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IPRI

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PRESENTATION

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Raphael Azeredo*

This issue of the *Cadernos de Política Exterior* [Foreign Policy Journals], a publication of the Institute for Research on International Relations (IPRI) of the Alexandre de Gusmão Foundation (FUNAG), brings together thirteen articles that reflect the diversity and complexity of contemporary debates on foreign policy, international relations, and global governance. This edition highlights both traditional and emerging themes, combining theoretical analyses, case studies, and critical reflections on the challenges faced by Brazil and the international community. This issue features contributions from researchers who participate in IPRI's Volunteer Researcher Program, which completes its first anniversary in 2025, as well as from the winners of the Maria José de Castro Rebello Mendes Award, a FUNAG initiative to encourage academic production by women scholars.

International relations and global governance are explored in four articles in this edition, examining the challenges and transformations of international institutions in the face of contemporary crises. The articles address both old and new international issues, ranging from the structural problems of the UN Security Council to the potential for strengthening global governance through metacognition, understood as a tool for developing reflective capacity in diplomatic negotiations. Against the backdrop of the current discussion on artificial intelligence, Gabriel Goldmeier and Ronaldo Mota analyze its impacts in the field of International Relations, highlighting the relevance of metacognition, the ability to reflect on one's own reasoning, as a tool for facing contemporary challenges, including the need for new forms of cooperation among nations. In the sphere of global governance, Fernando de Mello Barreto questions whether international law is in crisis, examining criticisms and proposing ways to strengthen it. Similarly, Rafaela Seixas Fontes analyzes the role of the UN Security Council in promoting peace, highlighting

* Ambassador, President of the Alexandre de Gusmão Foundation.

structural and normative limitations that compromise its effectiveness. In the area of interregional cooperation, Eunjae Kim assesses institutional and theoretical limitations in the context of FEALAC (Forum for East Asia–Latin America Cooperation), discussing the challenges of interregionalism that hinder cooperation between regions.

Five articles in this edition explore the intersection between trade, environment, and technological innovation. With a focus on sustainability and climate justice, as well as the bioeconomy, the articles shed a new light on recurring themes on the international agenda. The analyses converge on an environmental perspective based on the concepts of sustainable development, factoring in financing and climate diplomacy. Julia Driemeier Vieira Rosa, the winner of the Maria José de Castro Rebello Mendes Award in the category of researchers with a master's or doctoral degree, examines the gaps in climate finance and Brazil's challenges at COP30. The scholar proposes a review of financial flows and underscores the need for diplomatic skills to lead the conference. Breno Barreto Dumas Gomes, Giovana Bernardo Brito dos Santos, and Gonzalo Diego Peña explore the convergence between artificial intelligence (AI) and the environmental, social, and governance (ESG) strategic agenda. They propose a practical agenda to align technological innovation with measurable socio-environmental results. The bioeconomy is gaining prominence as a strategic theme in the G20 under Brazilian leadership. Phillipe Käfer, a volunteer researcher at IPRI, analyzes political advances and sustainable financing challenges, exploring the intersection of development, climate, and South-South cooperation. Daiane Carolina Silva and João Paulo Cândia Veiga discuss the role of soybeans as a diplomatic asset in Brazil–China relations, linking trade, climate, and global governance. Pedro Mariano Martins Pontes discusses the challenges the World Trade Organization (WTO) faces due to the proliferation of environmental measures with trade effects at the intersection of international trade and the environment. The article proposes balancing sustainability with the fundamental principles of international trade. The articles demonstrate the growing politicization of sustainability in international trade, as well as the need for more equitable and effective regulatory instruments.

This edition features two articles focusing on human rights and social justice—a legal and political analysis of the Universal Declaration of Human Rights, with implications for the world order, and a study on migrant and refugee women in Brazil that reveals gaps in public mental health and shelter policies from a gender perspective. The articles emphasize the importance of incorporating ethical and legal principles into political and institutional

practices to promote a more humane and sensitive approach to inequalities. In the first article, Marco Tulio Scarpelli Cabral delves into on human rights by examining the legal and political dimensions of the Universal Declaration of Human Rights, highlighting its normative and political influence on the contemporary international order. Jessica Carla Hubner Messas and Sheila Hubner Messas, winners in the undergraduate or graduate student category of the Maria José de Castro Rebello Mendes Award, address the challenges faced by migrant and refugee women in Brazil in the second article. They propose gender-sensitive and culturally appropriate public policies.

Infrastructure as a vector of regional integration and geopolitical influence is examined in two articles that emphasize its potential as an instrument of power and dependence. These articles call for greater attention to sovereignty and sustainability in related projects. In this context, Gustavo Gerlach da Silva Ziemath analyzes the physical integration between Brazil and Peru, from IIRSA to the present day, highlighting the resilience of the bilateral logistics agenda and proposing actions to ensure its continuity. Chinese investments in the Brazilian soy-meat complex reveal commercial and state interests, reshaping Brazil's role in global supply chains. Thus, this edition begins with an examination of Chinese investments in Brazilian agribusiness, with a focus on the soybean-meat complex. Júlia Rensi, a volunteer researcher at IPRI, analyzes how Chinese activity has evolved from mergers and acquisitions to investments in logistics infrastructure, revealing strategic and political implications for Brazil.

This volume reaffirms *Cadernos de Política Exterior's* commitment to promoting qualified and pluralistic analyses of the issues that shape Brazil's international integration and the trends in global politics. By bringing together diplomats and researchers with diverse backgrounds and perspectives, the publication strengthens public and academic discourse on contemporary international relations.

ARTICLES

THE NEW PHASE OF CHINESE INVESTMENTS AND THE POLITICAL ECONOMY OF INFRASTRUCTURE IN BRAZIL'S SOY-MEAT COMPLEX

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Júlia Rensi[1]

Tomaz Mefano Fares[2]

Abstract

This article examines the strategies of Chinese companies in Brazilian agribusiness, focusing on infrastructure and logistics investments in the soy-meat complex. The aim is to understand how China's presence, initially consolidated through mergers and acquisitions, has shifted toward prioritizing transport corridors, warehouses, and ports, thereby deepening engagement with local and national authorities. The research adopts a case study approach based on documentary analysis of corporate reports, statistical data, and journalistic sources. The findings indicate that while these investments enhance the sector's competitiveness and mitigate logistical bottlenecks, they also reinforce structural dependency within the global food system. The study concludes that Chinese expansion combines market practices with state strategic objectives, intensifying the politicization of its presence in Brazil and reconfiguring the country's insertion into global agri-food chains.

Keywords: Foreign direct investment. China. Food regime. Infrastructure. Soy.

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A NOVA FASE DOS INVESTIMENTOS CHINESES E A ECONOMIA POLÍTICA DA INFRAESTRUTURA NO COMPLEXO SOJA-CARNE BRASILEIRO

Resumo

O artigo examina as estratégias de empresas chinesas no agronegócio brasileiro, com foco em investimentos em infraestrutura e logística no complexo soja-carne. O objetivo é compreender como a presença chinesa, que inicialmente se consolidou por meio de fusões e aquisições, passou a privilegiar corredores de transporte, armazéns e portos, aprofundando o engajamento com autoridades locais e nacionais. A pesquisa adota um estudo de caso baseado na análise documental de relatórios corporativos, dados estatísticos e fontes jornalísticas. Os resultados indicam que tais investimentos, embora ampliem a competitividade do setor e mitiguem gargalos logísticos, também reforçam vínculos de dependência estrutural no sistema alimentar global. Conclui-se que a expansão chinesa combina práticas de mercado e objetivos estratégicos estatais, conferindo maior politização à sua presença no Brasil e reconfigurando a inserção do país nas cadeias agroalimentares globais.

Palavras-chave: Investimento estrangeiro direto. China. Regime alimentar. Infraestrutura. Soja.

LA NUEVA FASE DE LAS INVERSIONES CHINAS Y LA ECONOMÍA POLÍTICA DE LA INFRAESTRUCTURA EN EL COMPLEJO SOJA-CARNE BRASILEÑO

Resumen

Este artículo examina las estrategias de las empresas chinas en el agronegocio brasileño, con énfasis en las inversiones en infraestructura y logística en el complejo soja-carne. El objetivo es comprender cómo la presencia china, inicialmente consolidada a través de fusiones y adquisiciones, pasó a priorizar corredores de transporte, almacenes y puertos, profundizando el compromiso con autoridades locales y nacionales. La investigación adopta un estudio de caso basado en el análisis documental de informes corporativos, datos estadísticos y fuentes periodísticas. Los resultados indican que, aunque estas inversiones aumentan la competitividad del sector y mitigan cuellos de botella logísticos, también refuerzan vínculos de dependencia estructural en el sistema alimentario global. Se concluye que la expansión china combina prácticas de mercado con objetivos estratégicos estatales, otorgando mayor politización a su presencia en Brasil y reconfigurando la inserción del país en las cadenas agroalimentarias globales.

Palabras clave: Inversión extranjera directa. China. Régimen alimentario. Infraestructura. Soja.

Introduction

China, as the primary importer of Brazilian agricultural commodities, particularly soybeans, has expanded its political and economic footprint in Brazil well beyond the role of a mere trading partner. This growing influence is evident through successive waves of investment in the agribusiness sector. Since 2008, amid the convergence of food, environmental, energy, and financial crises, global demand for land has intensified (Borras, Kay, Gomez, and Wilkinson 2012), drawing increased international attention to Brazilian agricultural frontiers such as the Matopiba region—comprising the states of Maranhão, Tocantins, Piauí, and Bahia (Pereira and Pauli 2016). Chinese agribusiness actors have played a central role in this process, entering the country's export-oriented commodity sectors that are undergoing transformation.

The literature on Chinese investments in Brazilian agriculture identifies two distinct phases: the first, in the late 2000s, characterized by attempts at direct land acquisition, which faced legal barriers and political resistance (Oliveira 2017; Escher and Wilkinson 2019); and the second, beginning in the 2010s, marked by entry through mergers and acquisitions of established companies, particularly in trading and grain processing (Wesz Jr., Escher, and Fares 2023). This article argues that a third phase is underway, with investments concentrated in infrastructure and logistics—transport corridors, warehouses, and ports—thereby expanding Chinese presence in agro-industrial chains and deepening engagement with local and national authorities. This evolution confers a unique political dimension to Chinese activity and redefines power relations within Brazilian agribusiness.

This study adopts the state capitalism approach as theoretical framework, which interprets the actions of state-owned companies as a blend of market logic and strategic objectives defined by the central government (Musacchio and Lazzarini 2014). Within this framework, we draw on the concept of the *shareholding state* (Wang 2015), which emphasizes how the Chinese state exerts influence through share ownership, steering investments toward strategic sectors while maintaining corporate governance practices typical of the private sector. This perspective enables us to view Chinese investments in Brazilian agriculture not merely as economic operations, but as part of a broader political strategy to reorganize global commodity chains, in which infrastructure assumes a pivotal role.

The existing debate (Wesz Jr. et al. 2023; Fares 2023; Peine 2021; Wilkinson Wesz, and Lopane 2015) indicates that, although guided by Beijing's

political guidelines, Chinese investments initially adapted to the institutional norms and practices consolidated by dominant private companies—such as the ABCD trading companies (ADM, Bunge, Cargill, and Louis Dreyfus) and Brazilian corporations such as Amaggi and JBS. This strategy materialized primarily through mergers and acquisitions, as in the case of China Oil and Foodstuffs Corporation (COFCO)'s incorporation of Nidera and Noble Agri in 2016, replicating existing management and marketing models. In recent years, however, a greater degree of politicization has emerged, as investments in logistics infrastructure have become coordinated with other Chinese state-owned companies and political partnerships at different levels of government, enabling more direct competition with traditional players in the sector.

Methodologically, the research is based on a case study, supported by documentary research using newspaper articles, corporate reports, and statistical data. The article is structured in four sections, in addition to this introduction: the first discusses China's role in Brazilian agribusiness in light of state capitalism; the second presents the two phases of Chinese investments in the agricultural sector; the third analyzes the political implications of intensified investments in logistics infrastructure; and the final section presents concluding remarks and suggestions for future research.

1. Food Regimes and State Capitalism

The discussion of state capitalism in agri-food systems is mainly part of the debates on food regimes, which offer a historical perspective on the power relations that shape global production and circulation. As originally formulated by Friedmann and McMichael (1989), the international food regime can be divided into three periods of hegemonic stability: 1) the British colonial regime (1870–1930), grounded in imperial free trade, in which colonies were forced to export cheap raw materials to offset the costs of metropolitan industrialization; 2) the U.S. mercantile-industrial regime (1945–1970s), consolidated under U.S. hegemony and the Bretton Woods system, characterized by food aid—often through dumping—and the diffusion of Green Revolution technology packages (McMichael 2009); finally, 3) the corporate regime (from the 1980s onwards), characterized by the hegemony of transnational corporations, the financialization and liberalization of trade, and the privatization of food governance, with private standards and certifications shaping global production and consumption (Clapp and Fuchs 2009; McMichael 2016). On this point, McMichael (2016) interprets the

corporate regime as consolidated, while Friedmann (2005; 2009) proposes the notion of a corporate-environmental regime still in formation; both, however, converge on the observation of U.S. hegemonic decline.

Since the 2010s, literature has emphasized that crises such as the 2007-08 food price volatility and the surge in land grabbing have exposed vulnerabilities within the corporate regime. In this context, China's rise—driven by the Going Out strategy and the Belt and Road Initiative—has repositioned the country as a central hub of global agri-food chains, challenging Western hegemony (McMichael 2020; Belesky and Lawrence 2018). This shift poses new analytical challenges, particularly since most of the Chinese corporations engaged in these chains are state-owned enterprises. Lin (2022) argues that food regime theory—traditionally focused on transitions from regimes dominated by nation states (British and American) to a corporate regime controlled by private multinationals—fails to fully account for the strategic role played by the Chinese state.

Since the early 2000s, a new phase of statism has emerged, marked by the prominence of emerging economies (Otero-Iglesias and Vermeiren 2015). Unlike earlier periods, when states primarily sought to protect domestic markets through tariffs and industrial coordination, this recent wave is characterized by active global engagement via state-led transnational investments. Sovereign wealth funds (Haberly 2011) and multinational state-owned enterprises (Cuervo-Cazurra 2018) have assumed central roles in large-scale operations such as international mergers and acquisitions (Clo, Fiorio, and Florio 2017). This dynamic signals an unprecedented form of integration, but also raises concerns, as these investments are often interpreted as instruments of geopolitical projection (Cohen 2009). In this context, the literature seeks to conceptualize this phenomenon through various frameworks, ranging from the idea of hybridization between state and capital (De Graaff 2012) to the notion of ambiguous statist globalization (Harris 2009) and reformulated state capitalism (McNally 2013).

States today not only regulate corporate power but also act as shareholders in the global market, investing state capital beyond their borders. These investments oscillate between financial motivations and control strategies, often intertwining political and economic interests—as illustrated by the controversies surrounding the objectives of transnational state-owned enterprises (Sultan Balbuena 2016). The literature diverges on interpretation: for some, state capital tends to reproduce private capital practices (Clark, Dixon, and Monk 2013); for others, it can function as an instrument of geopolitical rivalries (Cohen 2009).

Several authors contend thay Chinese state-owned companies are deeply aligned with the country's strategic food security objectives—namely, ensuring domestic supply, securing access to raw materials, exporting surplus capacity, and projecting economic power through the internationalization of agribusinesses (McMichael 2020; Belesky and Lawrence 2018). Through the forces of liberalization, technologization, securitization, and accumulation, the Chinese state has promoted acquisitions of global companies, investments in foreign agricultural land, and control of strategic segments (seeds, crushing, transportation, and trade). Accordingly, Lin (2022) argues that, far from being subordinate to private corporations, the Chinese state apparatus shapes a state corporate food regime, in which national food security and the projection of geopolitical power take precedence over the exclusive logic of corporate profit.

In contrast, other interpretations stress that the external expansion of these state-owned enterprises, such as COFCO, should also be understood as an effort to integrate into transnational circuits of capital and financial valorization (Fares 2023). Rather than signaling a rupture with the corporate food regime, China contributes to its reconfiguration by combining state planning, market competition, and financial logic. COFCO's trajectory illustrates this ambivalence well: while fulfilling strategic functions aimed at national food security, its international expansion relies on mechanisms typical of financialization, such as the use of derivatives and capital leverage (Fares 2023).

Peine (2021) analyzes China's presence in Brazil's soybean sector through the concept of "private regimes," emphasizing that investments do not enter a neutral space, but rather a terrain already shaped by consolidated public-private alliances. From this perspective, the literature (Wesz Jr. et al. 2023; Fares 2023; Peine 2021; Wilkinson et al. 2015) demonstrates that Chinese investments in Brazil, although guided by political directives from Beijing, have largely adapted to the institutional rules and operational practices established by dominant private actors in coordination with the state. Central to this process are the North Atlantic agribusiness giants—known as ABCD companies (ADM, Bunge, Cargill, and Louis Dreyfus)—as well as major Brazilian companies such as Amaggi and JBS. These groups have shaped the sector through integration contracts, influence over industry associations, and strategic alliances with state institutions. Their expansion has prioritized organization forms that maximize surplus extraction for international markets, in a context where commodity prices are primarily determined in foreign exchange markets and strongly influenced by financialization (Niederle and Wesz 2021).

The historical trajectory of state alignment with the interests of major agribusiness players has structured Brazil's soybean export system, creating institutional and logistical frameworks that delimit the forms of foreign capital insertion. In this context, Chinese companies do not fundamentally transform the sector's core dynamics; rather, they are incorporated into a regime that continues to prioritize export-oriented growth and commodity specialization. Thus, although relevant, Chinese investments ultimately reinforce, rather than reconfigure, the logic of Brazil's agrarian political economy.

2. Trajectory of Chinese Investments in the Soybean-Meat Complex

Rapid urbanization and rising meat consumption—described as *Chinese meatification* (Schneider, 2014)—have repositioned East Asia as the epicenter of food imports, a role previously dominated by the United States and Europe. In this context, China has reformulated its food security policy, abandoning the logic of grain self-sufficiency in favor of a strategy of active integration into international agricultural markets and resources. The change was signaled in *Central Document No. 1* (2014) and consolidated by the Going Out policy, in conjunction with the Belt and Road Initiative (BRI). As a result, agro-exporting countries such as Brazil and Argentina benefited significantly from the commodity boom.

Chinese agricultural investments have evolved in three distinct phases. Between 2000 and 2008, China consolidated its position as a major importer while diversifying suppliers. From 2008 to 2012, land grabbing intensified, with land acquisitions or leases in Latin America, Africa, and Southeast Asia aimed at securing grains and oilseeds (Edelman, Oya, and Borras 2015). Since 2012, there has been a wave of mergers and acquisitions of global agribusiness companies, expanding access to technologies, genetically modified seeds, logistics, and markets. More recently, there has been a growing focus on infrastructure—ports, railways, warehouses, and logistics corridors—integrating territories into chains under Chinese influence.

In Brazil, the first phase centered on land purchases for soybean and grain production. Initial estimates suggested acquisitions of up to seven million hectares (Acioly, Pinto, and Cintra 2010), but later studies revealed that these figures were inflated, with few projects materializing (Oliveira 2015). In 2007, Hong Kong's Pacific Century Group acquired 27,397 hectares in partnership with CalyxAgro. Zhejiang Fudi Agriculture Co., together with the state-owned Beidahuang, purchased 600 hectares in Rio Grande do Sul and

16,000 in Tocantins, later transferred to the state-owned Chongqing Grain Group (CGG) in 2011 (Escher and Wilkinson 2019). That same year, CGG announced a 200,000-hectare project in Bahia, later reduced to 52,000 due to legal restrictions. The plan included soybean crushing, fertilizer production, and logistics in Barreiras, but was suspended in 2013 due to administrative obstacles and social resistance (Grain 2011).

Other announcements failed to materialize. Sanhe Hopeful Grain and Oil Co. and the state-owned CNADG pledged to acquire 2.4 million hectares and invest US$ 7.5 billion in Goiás, but ultimately secured only 20% of a port terminal in Santa Catarina, which is now paralyzed. Similarly, the Pallas International group expressed interest in 250,000 hectares in Bahia, without practical confirmation (Escher and Wilkinson 2019).

In 2010, Brazil's Attorney General's Office reinterpreted Law 5,709/1971, imposing stricter limits on land purchases by foreigners, including Brazilian firms with foreign capital. These restrictions introduced municipal and individual caps and required congressional authorization for acquisitions above the permitted amount (Perrone 2013). The reinterpretation reinstated constraints previously deemed unconstitutional (1994–2010) and generated legal uncertainty and investor retraction (Barros and Pessoa 2011; Oliveira 2017).

Faced with restrictions and the negative repercussions of land grabbing, Chinese investments shifted toward mergers and acquisitions of established companies (Kupfer and Rocha 2018). Between 2010 and 2019, there were thirteen operations in the sector in Brazil, six of which were related to soybeans (Cariello 2021). These cases were reviewed by Brazil's Administrative Council for Economic Defense (CADE), moving the debate from policy to technical considerations focused on acts of market concentration. Since then, the agency has approved all transactions (José 2022).

The entry of Chinese capital into Brazil's soybean production chain intensified after 2010, with a series of strategic acquisitions that reflect an adaptive approach by Chinese state-owned enterprises. Shanghui, which went public in 2006, received investments from Goldman Sachs in 2009 and from six Chinese funds in 2013—the same year it acquired U.S.-based Smithfield for US$7.1 billion, becoming the world's largest pork producer. In 2012, China Tobacco International do Brasil (CTIB), a subsidiary of China Tobacco International, entered a 51% partnership with Alliance One Brasil, involving more than 600 contracts with small tobacco producers in Rio Grande do Sul for direct export to China (Schneider and Sharma 2014; Escher and Wilkinson 2019).

In the agricultural inputs sector, Tide Group entered the Brazilian market in 2010 to import pesticides. However, faced with regulatory barriers, the company acquired Prentiss Química in 2014, facilitating its local operations. Similarly, CITIC Agri Fund, in partnership with Yuan Longping High-Tech Seeds, purchased LP Sementes in 2017 for US$ 1.1 billion, securing strategic assets and meeting regulatory requirements associated with the Dow–DuPont merger (Clapp 2017; Escher and Wilkinson 2019). Hunan Dakang Pasture Farming, a subsidiary of the Shanghai Pengxin group, acquired a 57% stake in Fiagril, a Brazilian grain trading company, incorporating it into its international agribusiness strategy (Reuters 2016).

ChemChina expanded its presence in both Brazilian and global agricultural sectors throughout the 2010s. In 2011, it acquired the Israeli company Adama, which owned two factories in Brazil, gaining control over local operations, commercial licenses, and market channels from 2014 onward. Subsequently, in 2017, ChemChina acquired Syngenta, consolidating its position in the global seed and agrochemical market. Through Syngenta, it also incorporated Nidera Seeds, previously controlled by COFCO, further strengthening its operations in the sector (BBC News 2017; Syngenta 2018). These operations placed the group in direct competition with Bayer and Monsanto, particularly in the supply of technology packages dominated by Roundup Ready genetically modified soybeans. Following the expiration of the glyphosate patent in 2000, China emerged as the leading herbicide producer, accounting for approximately 60% of global supply, with Brazil and Argentina as its primary markets. Meanwhile, Bayer's acquisition of Monsanto in 2018 intensified competition within the agricultural biotechnology sector (Giraudo 2019; Pucci, 2017; Research & Markets 2018).

Trading companies played a central role in this phase of investment through mergers and acquisitions. These firms connect producers and buyers through the large-scale purchase, sale, and distribution of goods. The entry of Asian companies such as COFCO reconfigured the commodities market, characterized by corporate concentration and value chain integration. By 2015, Asian trading companies accounted for 45% of Brazilian exports of soybeans, corn, and soybean meal, for the first time surpassing the traditional ABCD (ADM, Bunge, Cargill, and Dreyfus), which held 37% (Bonato 2016).

COFCO acquired 51% of Nidera and Noble Agri shares in 2014, assuming full control of Noble Agri in 2016 and Nidera in 2017. Both were subsequently integrated into COFCO International, tasked with consolidating the group's global grain origination, marketing, and logistics operations (COFCO International 2016; Reuters 2017). Escher, Fares, and Wesz (2023) argue that

COFCO's strategy in the Southern Cone, particularly within the Brazil-China meat and soybean complex, plays a critical role in reshaping the contemporary food regime. Once the acquisitions of Noble Agri and Nidera were completed, COFCO joined the ranks of major agricultural traders in key exporting countries such as Brazil, Argentina, Paraguay, and Uruguay.

Based on the identified investment phases, it is evident that, beginning in the second stage, Chinese investments in logistics infrastructure intensified. This trend underscores Brazil's strategic role as a supplier of commodities to the Chinese market, while also reflecting recognition that logistics bottlenecks undermine agribusiness competitiveness. Between 2005 and 2021, Brazil received approximately 30 Chinese infrastructure projects, totaling around US$ 15.9 billion (Dussel 2022). Despite natural advantages, such as fertile soil and stable rainfall, the lack of adequate infrastructure still generates significant economic losses.

In the port sector, notable initiatives include the expansion of COFCO's terminal at the Port of Santos and negotiations for private terminals in São Luís (MA) and Ilhéus (BA), aimed at facilitating grain and ore transport. In the railway sector, projects have involved negotiations around the West-East Integration Railway (FIOL), the Midwest Integration Railway (FICO), and, at the transnational level, the proposal for a bioceanic railway linking Brazil to Peru.

A central feature of China's presence is the enhancement of grain storage and transport capacity. COFCO, China's leading trading company, has invested in silos, processing units, and port terminals that reduce logistics costs and increase flexibility in product sales. In Mato Grosso—a major soybean-producing state—the company operates 18 warehouses with a capacity of over 1.1 million tons, including units in Sorriso, along the BR-163 highway, one of Brazil's main agricultural transport routes (Dialogue Earth 2023). In the port of Santos (SP), COFCO secured a 25-year concession for the STS11 terminal in 2022, extendable to 70 years, with planned investments to expand export capacity, including the construction of three large silos (Sá 2025). In addition, there are ongoing projects to build 30 new warehouses across various municipalities in Mato Grosso, addressing a structural storage deficit in the country estimated at hundreds of millions of tons (Soybeans and Corn 2024).

On Brazil's northeastern coast, there have been significant negotiations involving Chinese companies for the ports of São Luís (Maranhão) and Ilhéus (Bahia). In São Luís, China Communications Construction Company (CCCC) has partnered with WPR, part of the WTorre Group, and Lyon Capital to develop a multimodal Private Use Terminal (TUP), with CCCC holding a

majority stake (51%). In 2022, however, Cosan acquired full ownership of the terminal project, previously shared among CCCC and other partners, and took over its execution.

In Ilhéus, the Porto Sul project is advancing as part of the complex integrated with the West-East Integration Railway (FIOL). Led by Bahia Mineração (Bamin), the initiative involves the construction of a deep-water terminal and a state-designated Logistics Support Zone (ZAL) (Red ALC-China, 2021). In 2017, a Memorandum of Understanding signed in Beijing brought together the government of Bahia, Bamin, and Chinese companies such as China Railway Group Limited, CCCC, Minmetals, Shougang, and Dalian Huarui (Brazil 2017). Since then, the project has obtained preliminary and installation licenses, including authorization from the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) for vegetation removal (IBAMA 2024), and in 2024 secured a R$4.6 billion loan from the Ministry of Ports and Airports to finance construction (Brazil 2024c). Land interventions have already begun, with the terminal expected to be completed by 2027 (Brazil 2024c).

The West-East Integration Railway (FIOL) is a key logistics corridor for mineral and agricultural exports in Brazil, yet its progress has been marked by discontinuities and contractual obstacles. Section 1 (Caetité–Ilhéus) reached approximately 75% completion before beimg halted in 2025 following the termination of the contract between Bahia Mineração (Bamin) and the construction firm responsible, exposing financial and institutional vulnerabilities. The involvement of China Railway No. 10 Engineering Group (CREC-10) in the initial phases underscored the transnational nature of the project and its role in logistics integration strategies. However, completion depends on mobilizing new capital and securing state guarantees to ensure economic viability and regulatory stability, highlighting the complex interplay between national and international, public and private actors.

At the continental scale, the Bi-Oceanic Railway proposal—planned to connect Bahia to the port of Chancay in Peru—stands out for its potential to reduce maritime transport time between Brazil and Asia by roughly ten days. A Memorandum of Understanding signed in 2025 between Infra S.A. and the China Railway Research Institute marked an important step toward technical studies for this megaproject, whose execution will rely on Chinese financing given the limited capacity of Brazilian public and private sector to absorb the costs (Brazil 2025). In this context, the Midwest Integration Railway (FICO) assumes a strategic role as an internal link to the Bi-oceanic route and already counts confirmed participation of Chinese agencies in

route and feasibility studies—in particular, the China State Railway Group and the China Railway Economic and Planning Research Institute—signaling Beijing's interest not only in future execution but also in the planning and institutional design phases of the project (Brazil 2025).

These investments demonstrate that China's strategy in Brazil extends far beyond the mere purchase of commodities. It represents a structural reconfiguration of the agro-export chain, in which Chinese capital operates not only as a buyer but also as a central actor in controlling logistics and storage. By expanding its participation in port terminals, railways, and silos, China reinforces the flow of Brazilian production to its domestic market while simultaneously consolidating its position as a key player in Brazil's agricultural infrastructure.

3. The Political Economy of Investments in Infrastructure and Logistics

Infrastructure-driven development has emerged as a prominent trend in the international arena, manifested through megaprojects aimed at reorganizing production and trade flows on a global scale. Among the most representative examples are the Programme for Infrastructure Development in Africa, the Lamu Port–South Sudan–Ethiopia Transport Corridor project, the Initiative for the Integration of Regional Infrastructure in South America (IIRSA), the Abidjan–Lagos Corridor, the China–Pakistan Economic Corridor, the New International Land–Sea Trade Corridor between Chongqing and Singapore, and, more broadly, the China's Belt and Road Initiative (BRI). Unlike post-World War II developmentalism, which prioritized the consolidation of national economies, this new wave favors the formation of transnational territories geared toward extraction, production, and circulation. The central objective is to create spatial conditions conducive to attracting foreign capital, fostering industrial advancement, and driving export-oriented growth (Schindler and Kanai 2021).

Infrastructure-led development gained momentum following the 2008 global financial crisis, which exposed the limitations of neoliberal approaches lacking a territorial focus. In this context, the World Bank began advocating for state-led spatial planning, China invested heavily in infrastructure, and low interest rates in the United States stimulated new global projects. This consolidated what Schindler and Kanai (2021) described as a "global growth coalition," formed by multilateral institutions, transnational corporations, and major powers such as the United States and China.

Although there is consensus on the importance of infrastructure, it has also become a field of geopolitical dispute. China leads this process through the Belt and Road Initiative (BRI), while the United States, after a period of absence, established the International Development Finance Corporation (IDFC) in 2018 to finance projects in allied countries, offering an alternative to Chinese funding. This rivalry between major powers accelerates infrastructure expansion and shapes the ways in which peripheral territories are integrated into the global economy (Moriarty and Sorenson 2025).

Ho (2020) argues that China's power cannot be understood solely in terms of its material capabilities, but also through its use of structural and discursive power, particularly under Xi Jinping. Drawing on the cases of high-speed railways in Laos and Indonesia, the author demonstrates how China establishes asymmetrical relationships of technological and financial dependence (structural power), while simultaneously projecting narratives of progress and modernity that shape perceptions and legitimize its projects (discursive power). While in Laos adherence to this narrative is almost complete, in Indonesia acceptance is more selective, though still significant. The author's analysis concludes that China has managed to consolidate regional influence through infrastructure, but faces limits: Southeast Asian countries retain agency, resist a Sinocentric view of order, and, following COVID-19, tend to diversify partners and express growing distrust of Beijing.

In line with Ho's (2020) observation of greater local agency, Brazil opted not to formally join the BRI, despite maintaining strategic relations and intense trade flows with China. This decision reflects a pursuit of diplomatic autonomy and flexibility, as the Brazilian government believes it is possible to align infrastructure projects and attract Chinese investment without making rigid institutional commitments. Furthermore, non-adherence mitigates potential risks of indebtedness or loss of political maneuverability, preserving the Brazil's ability to balance relations with other international partners, such as the United States and the European Union. Thus, Brazil sustains close economic cooperation with Beijing but resists formal integration into an initiative that could constrain its international integration strategy (Abrão and Amineh 2024).

Chinese investments in logistics infrastructure in Brazil reveal a political dimension that transcends the pursuit of economic efficiency. The presence of the state is central to this process: beyond maintaining significant shareholdings in conglomerates such as COFCO and ChemChina (Fares 2023), Beijing actively directs investments to ensure food security and exert control over international commodity flows, shaping an internationalization guided

by strategic state objectives. This section examines the political dimension of Chinese investments in logistics and infrastructure geared toward agricultural exports, highlighting two emblematic cases the illustrate the political-financial nature of transnational state capital: COFCO's investments in the Port of Santos and the Bi-Oceanic Railway project.

The Port of Santos is widely recognized as Latin America's largest port, both in terms of cargo handling and strategic relevance (ECLAC 2024). The auction of the STS11 terminal, held in March 2022 at B3, brought together diverse institutional and private actors. The process was conducted by the Ministry of Infrastructure, in partnership with the National Waterway Transportation Agency (ANTAQ) and the Santos Port Authority (SPA), which defined the lease conditions, including minimum requirements for infrastructure investments, rail integration, and storage capacity. Interested companies were required to submit legal, fiscal, economic-financial documentation and proof of technical experience, as well as environmental impact studies (ANTAQ 2024).

COFCO International Brasil S.A. won the bid by offering a concession of R$ 10 million and committing to invest approximately R$ 700 million in the expansion and modernization of the terminal under an initial 25-year contract, extendable for up to 70 years. According to the company, the new structure will allow it to increase its grain handling capacity in Brazil from 3 to 14 million tons by 2026—primarily soybeans, corn, and sugar (COFCO International 2023). The project also includes significant investments in logistics, such as the acquisition of locomotives and railcars for transportation.

COFCO International's investment in the expansion of the Santos port terminal occurs against the backdrop of escalating trade tensions between China and the United States. The construction of its largest export terminal in Brazil reflects China's strategy of securing safe routes for the transport of agricultural commodities, particularly soybeans, in a scenario of growing South American dependency. During the first trade war (2018), China imposed tariffs of up to 25% on U.S. soybeans, drastically reducing exports from the American Midwest to the Chinese market (Meredith 2018). In the new round of tariffs under the second Trump administration (2025), tariffs reached 44%, further reinforcing Brazil's attractiveness as a strategic supplier (World-Grain 2025).

As COFCO expands its operations and hires dozens of professionals, U.S. and European competitors, such as ADM and Cargill, have been cutting costs and reducing staff worldwide, signaling a shift in the balance of power in global agricultural trade (Samora 2025). This trend not only consolidates China's presence in strategic logistics chains, but also intensifies commercial

and political disputes with traditional corporations (ABCD), which see their influence in Latin American agribusiness gradually being eroded by the expansion of Chinese state capital.

In the field of infrastructure, the South American Integration Routes initiative is particularly noteworthy. It includes the proposed bi-oceanic railway linking Ilhéus (Bahia) to the port of Chancay (Peru), trasversing areas that are critical for Brazil's agribusiness, such as Matopiba—the agricultural frontier encompassing Maranhão, Tocantins, Piauí, and Bahia (Brazil 2025a; 2025b). The project, still in the feasibility study phase, envisions linking the West-East Integration Railway (FIOL) and the Midwest Integration Railway (FICO), with potential extensions to the Peruvian coast (Mercopress 2025). The port of Chancay, operated by COSCO Shipping Ports (in partnership with Volcan Mining), was inaugurated in 2024 following an estimated investment of US$ 3.5 billion. It is regarded as a strategic asset for enhancing Pacific logistics connectivity for South American exports (China Daily 2025).

In Brazil, the bi-oceanic railway project is being developed through an integrated effort by the Ministries of Planning and Budget, Transport (via Infra S.A.), the Civil House (through the Special Secretariat for the New PAC), and the Ministry of Ports and Airports (Brazil 2025). Negotiations with the China State Railway Group, through its technical arm, the China Railway Economic and Planning Research Institute, include memoranda of understanding, technical committees, official visits by Brazilian authorities to China, and inspections of national projects such as the FIOL and FICO railways (Agência Gov 2025). These initiatives underscore the bilateral and strategic nature of the venture, which seeks to integrate South American transport corridors, harmonize logistics modes, and strengthen production flows to international markets, particularly China.

Railway projects are marked by high complexity, substantial costs, and extended timelines, requiring multiple stages ranging from technical, environmental, and economic feasibility studies to actual construction. In this context, international capital becomes a fundamental condition for the viability of projects of this magnitude. As Minister of Planning Simone Tebet emphasizes, external financing—especially from China—is central: "There is not enough domestic private investment; we need foreign capital. Currently, China has the necessary resources, both in the private and public sectors" (Agência EBC 2025).

Although the discourse surrounding logistics integration projects conveys expectations of economic dynamism, the realization of mega-infrastructure ventures faces persistent obstacles. Structural weaknesses, such as limited

domestic investment capacity, are compounded by business practices aimed at minimizing costs, which can jeopardize the viability of contracts. For transnational projects, coordination and financing challenges are even more pronounced, despite the promise of greater trade and regional integration. The result is selective connectivity, confined to corridors and sectors deemed strategic, underscoring the gap between rhetoric and implementation. This contradiction emerges in the government's own discourse: in acknowledging the interests of China, Peru, and Brazil, Minister Tebet stresses the need for legal certainty and predictability, framing the project as a state commitment rather than a mere government initiative (Agência EBC 2025).

These challenges highlight the vulnerability of Brazil–China relations to domestic political fluctuations and underscore the importance of long-term institutional commitments, such as the Joint Declaration on the Global Strategic Partnership (Brazil 2012). This agreement expanded bilateral cooperation beyond trade to encompass political, technological, and multilateral dimensions (UN, G20, BRICS). Likewise, the China-Brazil Commission of High-Level of Agreement and Cooperation (COSBAN), established in 2004 and periodically renewed, serves as the primary mechanism for institutionalized dialogue between the two countries. Co-chaired by the vice presidents, COSBAN ensures continuity and predictability in relations, regardless of changes in government, thereby consolidating the partnership on a more stable foundation (Brazil 2024b).

Given this scenario, an analysis of Chinese investments in infrastructure in Brazil reveals that the dispute over strategic logistics corridors transcends purely economic considerations and forms part of a broader dynamic of geopolitical competition. The interplay of state capital, public-private partnerships, and diplomatic coordination gives these projects a hybrid character, in which productive efficiency, food security, and power projection go hand in hand. At the same time, selectivity and implementation oblstacles demonstrate that the territorial integration promoted by China does not eliminate historical contradictions in peripheral development, but rather reconfigures them into new forms of dependency. Thus, understanding China's role in this domain requires acknowledging both the opportunities for logistical modernization and the structural and political constraints shaping Brazil's insertion into global commodity chains.

1. Final considerations

The analysis presented in this article demonstrates that Chinese investments in Brazil's soybean–meat complex extend beyond mere commercial or financial operations, constituting a restructuring of agro-industrial chains centered on infrastructure. Unlike the initial phase, marked by attempts to acquire land, and the subsequent stage, focused on mergers and acquisitions of established companies, the current phase is characterized by intensified investments in logistics corridors, ports, and storage systems. This strategy reflects the consolidation of Chinese participation throughout the value chain, with leading firms outlining long-term strategies.

China's presence reveals a dual dynamic: the active integration of its companies into the corporate food regime and the growing politicization of trade flows and investment strategies. This duality underscores the need to redefine the role of the state in sectoral investments. Whereas Brazil's recent rise as an agro-exporting power occurred through the intermediation of North Atlantic multinationals—operating under private regimes guided by liberal investment logic—the new wave of Chinese investments reaffirms the political and strategic dimension as a central axis.

In this context, China consolidates its economic influence through a territorialized projection led by state-owned conglomerates such as COFCO, often in coordination with other state enterprises. The political nature of these investments reflects the evolution of Beijing's food security policy. However, rather than prioritizing land acquisition, Chinese strategies adopt practices aligned with global market dynamics. COFCO's international presence and its integration into financial markets indicate that these investments cannot be reduced to a simple transmission belt of national state strategy. This dynamic illustrates the complexities of state capitalism: on one hand, reinforcing strategic state control driven by political imperatives such as food security; on the other, articulating transnationally, allowing flexibility in capital allocation and granting state-owned enterprises semi-autonomy in their global expansion projects.

The rise of state capitalism and its inherent complexities reflects new dynamics in global competition, creating space for renewed interpretations of geopolitics and power relations within the food regime. Whether this trend will culminate in enduring nationalist statism—supported by new governance mechanisms and the reconfiguration of dominant actors and their modes of expansion—remains an open question in the literature.

This transformation challenges traditional analytical categories and reinforces the need for approaches that integrate global political perspectives with studies on the projection of national economic power, particularly in infrastructure.

At the same time, as new forms of structural dependence emerge in a context of heightened strategic politicization, opportunities also arise to expand the periphery's margin of agency. This is evident in investments that involve negotiations with local and national governments as well as multilateral organizations, within a scenario where Brazil becomes a pivotal link for China in counterbalancing U.S. influence.

We thus emphasize the importance of future research focused on local agency in Chinese investments, in order to explore how national political dynamics articulate with new trends in global capitalism. How does political intermediation in Brazil condition the types of investments in the soybean–meat complex? To what extent does this mediation translate into local socioeconomic priorities?

In this perspective, it is important to note that the trajectory of Chinese investments in Brazil remains uncertain. Domestic political fluctuations, social and environmental pressures, as well as intensified competition between major powers, may alter the conditions for implementing ongoing projects. To fully grasp the political and economic impacts of these investments, future research should deepen regional-level analyses, including comparative studies between Brazil and other Southern Cone countries, and assess the socio-environmental impacts of Chinese logistical expansion. Such an approach would enable a more comprehensive understanding of how foreign state capital is redefining the terms of peripheral insertion in the global food regime.

References

Abrão, Rafael Almeida Ferreira, and M. P. Amineh. 2024. "Brazilian Perception of the China-Led Belt and Road Initiative." *Journal of Contemporary China* 33(150).

Acioly, Luciano, Eduardo Costa Pinto, and Marcos Antonio Macedo Cintra. 2010. "China e Brasil: oportunidades e desafios." In *A China na nova configuração global: impactos políticos e econômicos*, edited by Rodrigo P. F. Leão, Eduardo Costa Pinto, and Luciano Acioly. IPEA.

Agência Gov. 2025. "Projeto ferrovia bioceânica avança em negociações com China, diz Simone Tebet." *EBC Agency*. https://agenciagov.ebc.com.br/noticias/202505/projeto-ferrovia-bioceanica-avanca-em-negociacoes-com-china-diz-simone-tebet. Accessed October 1, 2025.

Agência Gov. 2025. "Ferrovia Bioceânica é prioridade em cooperação entre Brasil e China." *Agência Gov*. https://www.gov.br/pt-br/noticias/investimentos-e-comercio-exterior/2025/ferrovia-bioceanica-e-prioridade-em-cooperacao-entre-brasil-e-china. Accessed July 26, 2025.

Agência Nacional de Transportes Aquaviários—ANTAQ. 2024. "STS11." *Gov.br/ANTAQ*, October 24. https://www.gov.br/antaq/pt-br/assuntos/projetos-de-concessao/projetos-finalizados/STS11. Accessed August 1, 2025.

Barros, Alexandre Mendonça de, and André Pessôa, eds. 2011. *Impactos econômicos do parecer da AGU (Advocacia-Geral da União), que impõe restrições à aquisição e arrendamento de terras agrícolas por empresas brasileiras com controle do capital detido por estrangeiros*. Agroconsult; MB Agro. http://www.souagro.com.br/-defendem-liberdade-para-investimentos. Accessed November 12, 2025.

BBC News. 2017. "China's COFCO Sells Latam Seeds Business to Syngenta." *BBC News*, November 6. https://www.bbc.co.uk/news/business-35480393. Accessed September 16, 2024.

Belesky, P., and G. Lawrence. 2019. "Chinese State Capitalism and Neomercantilism in the Contemporary Food Regime: Contradictions, Continuity and Change." Journal of Peasant Studies 46(6): 1119–1141.

Bonato, Gustavo. 2016. "New Titans on the Block: ABCDs Lose Top Brazil Grains Spot to Asian Rivals." *Reuters*, March 23. http://www.reuters.com/article/us-brazil-grains-idUSKCN0WP19V. Accessed July 20, 2024.

Borras Júnior, Saturnino, C. Kay, S. Gomez, and J. Wilkinson. 2012. "Land Grabbing and Global Capitalism Accumulation: Key Features in Latin America." *Canadian Journal of Development Studies* 33(4): 402–416.

Brazil. Governo Federal. 2025a. "Novo PAC: Ferrovia Bioceânica." *Gov.br*. https://www.gov.br/pt-br/novo-pac/ferrovia-bioceanica. Accessed September 26, 2025.

Brazil. Ministério do Planejamento e Orçamento. 2025b. "Negociações para projeto de ferrovia que conectará Ilhéus (BA) ao Porto de Chancay (Peru) avançam na missão do Brasil à China." *MPO*. https://www.gov.br/planejamento/pt-br/assuntos/noticias/2025/maio/negociacoes-para-projeto-de-ferrovia-que-conectara-ilheus-ba-ao-porto-de-chancay-peru-avancam-na-missao-do-brasil-a-china. Accessed July 25, 2025.

Brazil. 2012. "Atos assinados por ocasião da reunião da presidenta da República Dilma Rousseff com o Primeiro-Ministro da República Popular da China Wen Jiabao." *Gov.br/MRE – Notas à Imprensa*. https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/atos-assinados-por-ocasiao-da-reuniao-da-presidenta-da-republica-dilma-rousseff-com-o-primeiro-ministro-da-republica-popular-da-china-wen-jiabao-rio-de-janeiro-21-de-junho-de-2012. Accessed July 1, 2025.

Brazil. Comissão Sino-Brasileira de Alto Nível de Concertação e Cooperação. 2024a. *Gov.br/Planalto – Vice-Presidência*. https://www.gov.br/planalto/pt-br/vice-presidencia/acesso-a-informacao/outros/cosban. Accessed June 1, 2025.

Brazil. 2024b. "Governo Federal anuncia mais de R$ 6 bilhões na melhoria da infraestrutura de portos, hidrovias e aviação na Bahia." *Gov.br./Casa Civil* https://www.gov.br/casacivil/pt-br/assuntos/noticias/2024/setembro/governo-federal-anuncia-mais-de-r-6-bilhoes-na-melhoria-da-infraestrutura-de-portos-hidrovias-e-aviacao-na-bahia. Accessed May 5, 2025.

Brazil. 2017. Governo do Estado da Bahia. "Audiência apresenta memorando da FIOL e Porto Sul firmado pelo governo." *Casa Civil do Estado da Bahia*, September 20. https://www.ba.gov.br/casacivil/noticia/2024-05/1136/audiencia-apresenta-memorando-da-fiol-e-porto-sul-firmado-pelo-governo-na. Accessed June 1, 2025.

Brazil. 2024c. Governo do Estado da Bahia. "Mais de R$ 5,6 bilhões em infraestrutura portuária, aeroportuária e hidroviária são anunciados para a Bahia." *Gov.br/Seplan – Notícias*, September 23. https://www.ba.gov.br/seplan/noticias/mais-de-r-56-bilhoes-em-infraestrutura-portuaria-aeroportuaria-e-hidroviaria-sao-anunciados-para-a-bahia. Accessed October 3, 2024.

Cariello, T. 2021. *Investimentos chineses no Brasil – histórico, tendências e desafios globais (2007–2020)*. CEBC. https://www.cebc.org.br/investimentos-Chineses-no-brasil/. Accessed May 18, 2024.

CEPAL. 2024. *Informe portuario 2023–2024: señales mixtas para el comercio y los puertos ante nuevas disrupciones*. CEPAL. https://www.cepal.org/es/publicaciones/81386-informe-portuario-2023-2024-senales-mixtas-comercio-puertos-nuevas-disrupciones. Accessed September 24, 2025.

Clapp, Jennifer. 2017. *Bigger Is Not Always Better: The Drivers and Implications of the Recent Agribusiness Megamergers*. Global Food Politics Group, University of Waterloo. (Working Paper).

Clapp, Jennifer, and Doris Fuchs. 2009. Corporate Power in Global Agrifood Governance. The MIT Press.

Clark, Gordon L., Adam D. Dixon, and Ashby H. B. Monk. 2013. *Sovereign Wealth Funds: Legitimacy, Governance, and Global Power*. Princeton University Press.

Clo, Stefano, Carlo V. Fiorio, and Massimo Florio. 2017. "The Targets of State Capitalism: Evidence from M&A Deals." *European Journal of Political Economy* 47(2): 61–74.

COFCO International. 2023. "Cofco International inicia construção da expansão do terminal portuário de Santos." *COFCO International*. https://br.cofcointernational.com/historias/cofco-international-inicia-construcao-da-expansao-do-terminal-portuario-de-santos/. Accessed September 24, 2025.

Cohen, Benjamin J. 2009. "Sovereign Wealth Funds and National Security: The Great Tradeoff." *International Affairs* 85(4): 713–731.

Cuervo-Cazurra, Alvaro. 2018. *State-Owned Multinationals: Governments in Global Business*. Palgrave Macmillan.

Dialogue Earth. 2023. "COFCO Expands Storage Capacity in Brazil to Support Grain Exports." *Dialogue Earth*. https://dialogueearth.org/articles/cofco-expands-storage-capacity-in-brazil-to-support-grain-exports/. Accessed May 26, 2025.

Dussel Peters, Enrique. 2022. *Monitor of Chinese Infrastructure in Latin America and the Caribbean 2022*. Universidad Nacional Autónoma de México (UNAM), Red ALC-China. https://dusselpeters.com/monitor/. Accessed August 30, 2025.

Edelman, Marc, Carlos Oya, and Saturnino Borras Júnior. 2013. "Global Land Grabs: Historical Processes, Theoretical and Methodological Implications and Current Trajectories." *Third World Quarterly* 34(9): 1517–1531.

Escher, Fabiano, and John Wilkinson. 2019. "A economia política do complexo Soja-Carne Brasil-China." *Revista de Economia e Sociologia Rural* 57(4).

Esteban, J. 2025. "Chancay Port Improves Connectivity." *China Daily*, May 13. https://www.chinadaily.com.cn/a/202505/13/WS6822a969a310a04af22bef26.html. Accessed September 26, 2025.

Fares, Tomaz. 2023. "China's Financialized Soybeans: The Fault Lines of Neomercantilism Narratives in International Food Regime Analyses." *Journal of Agrarian Change* 23: 477–499.

Friedmann, Harriet, and Philip McMichael. 1989. "Agriculture and the State System: The Rise and Fall of National Agricultures, 1870 to the Present." *Sociologia Ruralis* 29(2): 93–117.

Friedmann, Harriet. 2005. "From Colonialism to Green Capitalism: Social Movements and the Emergence of Food Regimes." In *New Directions in the Sociology of Global Development*, edited by F. Buttel and P. McMichael, 227–264. Elsevier.

Friedmann, Harriet. 2009. "Discussion: Moving Food Regimes Forward: Reflections on Symposium Essays." *Agriculture and Human Values* 26: 335–344.

Giraudo, Maria Eugenia. 2019. "Dependent Development in South America: China and the Soybean Nexus." *Journal of Agrarian Change* 20(1): 60–78. DOI: 10.1111/joac.12333.

Grain. 2011. "World Bank Set to Finance One of Latin America's Largest Farmland Grabbers." *Grain*. https://www.farmlandgrab.org/post/view/18736. Accessed April 30, 2018.

Ho, Selina. 2020. "Infrastructure and Chinese Power." *International Affairs* 96(6): 1461–1485.

Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis – IBAMA. 2024. "Licenciamento ambiental do Ibama vistoria obras do Porto Sul, na Bahia." *Gov.br/Ibama – Notícias*, March 22. https://www.gov.br/ibama/pt-br/assuntos/noticias/2024/licenciamento-ambiental-do-ibama-vistoria-obras-do-porto-sul-na-bahia. Accessed April 10, 2025.

José, D. F. F. 2022. *Decodificando a relação entre investimento estrangeiro direto e regulação nacional: um estudo comparativo de investimentos chineses na cadeia de valor da soja de Argentina e Brasil*. Monografia (Graduação em Economia) – Universidade Federal do Rio Grande do Sul.

Kanai, J. Miguel, and Seth Schindler. 2021. "Getting the Territory Right: Infrastructure-Led Development and the Re-Emergence of Spatial Planning Strategies." *Regional Studies* 55(1): 40–51.

Kupfer, David, and Felipe Freitas da Rocha. 2018. "Direções do investimento chinês no Brasil 2010–2016: estratégia nacional ou busca de oportunidades." In *Direction of Chinese Global Investments: Implications for Brazil*, edited by Anna Jaguaribe, 215–266. FUNAG.

Lin, S. Y. 2022. "Restoring the State Back to Food Regime Theory: China's Agribusiness and the Global Soybean Commodity Chain." *Journal of Contemporary Asia*.

McMichael, P. 2009. "A Food Regime Genealogy." *The Journal of Peasant Studies* 36(1): 139–169.

McMichael, P. 2016. "Commentary: Food Regime for Thought." *The Journal of Peasant Studies* 43(3): 648–670.

McMichael, P. 2020. "Does China 'Going Out' Strategy Prefigures a New Food Regime?" *Journal of Peasant Studies* 47(1): 116–154.

Meredith, Sam. 2018. "China New U.S. Tariffs Including Soy, Cars and Chemicals." *CNBC*, April 4. https://www.cnbc.com/2018/04/04/china-new-us-tariffs-including-soy-cars-and-chemicals.html. Accessed August 25, 2025.

Mercopress. 2025. "Brazil and China to Assess Railroad to Peru Feasibility." *Mercopress*, July 9. https://en.mercopress.com/2025/07/09/brazil-and-china-to-assess-railroad-to-peru-feasibility. Accessed August 26, 2025.

Ministério dos Transportes. 2025. "Brasil e China firmam parceria estratégica para integração ferroviária continental." *Gov.br*, July 7. https://www.gov.br/transportes/pt-br/assuntos/noticias/2025/07/brasil-e-china-firmam-parceria-estrategica-para-integracao-ferroviaria-continental. Accessed June 5, 2025.

Moriarty, Jack, and Jim Sorenson. 2025. "Can the DFC Compete with China's Belt and Road Initiative?" *The National Interest*, July 25. https://nationalinterest.org/feature/can-the-dfc-compete-with-chinas-belt-and-road-initiative. Accessed August 15, 2025.

Musacchio, A., and S. G. Lazzarini. 2014. *Reinventing State Capitalism: Leviathan in Business, Brazil and Beyond*. Harvard University Press.

Niederle, P. A., and V. J. Wesz Jr. 2020. *Agrifood System Transitions in Brazil: New Food Orders*. Routledge.

Peine, Emelie. 2020. "Chinese Investment in the Brazilian Soybean Sector: Navigating Relations of Private Governance." *Journal of Agrarian Change* 1–19.

Pereira, Lorena Izá, and Lucas Pauli. 2016. "O processo de estrangeirização da terra e expansão do agronegócio na região do Matopiba." *Campo-Território: Revista de Geografia Agrária* (special edition): 196–224.

Perrone, N. 2013. "Restrictions to Foreign Acquisitions of Agricultural Land in Argentina and Brazil." *Globalizations* 10(1): 205–209.

Pucci, James. 2017. "Top 10 Glyphosate Exporters in China for 2016." *Agribusiness Global*, February 27. https://www.agribusinessglobal.com/agrichemicals/top-10-glyphosate-exporters-in-china-for-2016/. Accessed October 16, 2024.

Oliveira, Gustavo de L. T. 2017. "Chinese Land Grabs in Brazil? Sinophobia and Foreign Investments in Brazilian Soybean Agribusiness." *Globalizations*. http://dx.doi.org/10.1080/14747731.2017.1377374. Accessed June 3, 2025.

Oliveira, Gustavo de L. T. 2015. Chinese and Other Foreign Investments in the Brazilian Soybean Complex. BRICS Initiative for Critical Agrarian Studies. (*BICAS Working Paper*, no. 9).

Red ALC-China. 2021. "Base de dados de investimentos chineses na América Latina e Caribe." https://www.redalc-china.org. Accessed May 26, 2025.

Research and Markets. 2018. "Research Report on China's Glyphosate Industry – 2018–2020." *Research and Markets*. https://www.researchandmarkets.com/research/kj7vhw/research_report?w=5/. Accessed October 16, 2024.

Reuters. 2017. "China's COFCO Completes Takeover of Grain Trader Nidera." *Reuters*, February 28. https://www.reuters.com/article/markets/currencies/chinas-cofco-completes-takeover-of-grain-trader-nidera-idUSKBN1671FM/. Accessed March 7, 2025.

Sá, Nelson de. 2025. "Chinesa investe R$ 2,84 bi e abre em março novo terminal em Santos." *Folha de S.Paulo*, March 5. https://www1.folha.uol.com.br/mercado/2025/03/chinesa-investe-r-284-bi-e-abre-em-marco-novo-terminal-em-santos.shtml. Accessed April 20, 2025.

Samora, Roberto. 2025. "China's Cofco Hiring Dozens in Farm Powerhouse Brazil." *Reuters*, April 15. https://www.reuters.com/markets/commodities/chinas-cofco-hiring-dozens-farm-powerhouse-brazil-2025-04-15/. Accessed September 26, 2025.

Schneider, M. 2014. "Developing the Meat Grab." *Journal of Peasant Studies* 41(4): 613–633.

Schneider, M., and Sharma. 2014. "China's Pork Miracle? Agribusiness and Development in China's Pork Industry." *Global Meat Complex: The China Series*. Institute for Agriculture and Trade Policy.

Syngenta. 2018. "Syngenta conclui aquisição da Nidera Seeds da COFCO International." *Syngenta*, February 7. https://www.syngenta.com/media/media-releases/2018/syngenta-completes-acquisition-nidera-seeds-cofco-internationa. Accessed September 16, 2024.

Soybeans and Corn Advisor. 2024. "Grain Storage Deficit in Brazil and New Investment Projects." *Soybeans and Corn Advisor*. https://www.soybeansandcorn.com/articles/2024/12/18/grain-storage-deficit-in-brazil-and-new-investment-projects. Accessed September 26, 2025.

Wang, Yingyao. 2015. "The Rise of the 'Shareholding State': Financialization of Economic Management in China." *Socio-Economic Review* 13(3): 603–625.

Wesz Junior, V., F. Escher, and T. Fares. 2021. "Why and How Is China Reordering the Food Regime? The Brazil–China Soy-Meat Complex and COFCO's Global Strategy in the Southern Cone." *Globalizations* 18(7): 1119–1135.

Wilkinson, John, Valdemar João Wesz Junior, and A. Lopane. 2015. "Brazil and China: The Agribusiness Connection in the Southern Cone Context." *Third World Thematics: A TWQ Journal*.

World-Grain. 2025. "China Tariff on U.S. Soybeans Now 44%." *World-Grain*. https://www.world-grain.com/articles/21239-china-tariff-on-us-soybeans-now-44. Accessed August 25, 2025.

TRADE AND THE ENVIRONMENT AT THE WTO: RECENT DEVELOPMENTS AND CHALLENGES

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Abstract

The proliferation of restrictive trade measures with alleged environmental purposes has been accompanied by intense diplomatic and academic activity in favor of partial narratives on environmental sustainability in trade. This scenario, coupled with the resurgence of geopolitical conflicts (and their inflationary impacts), tends to reinforce the defense of relaxing the principle of non-discrimination as a way to overcome some of the main challenges in international trade. The author argues that, even with the paralysis of the Appellate Body, the WTO Dispute Settlement System remains active, and the incorporation of biased perspectives in panel reports may legitimize the adoption of unilateral restrictive measures with extraterritorial reach, influence the establishment of new parameters, and accentuate existing imbalances. The article provides an overview of the topic and argues that the promotion of sustainability in trade must be compatible with the fundamental principles of trade and environmental regimes.

Keywords: International trade. Environment. WTO.

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COMÉRCIO E MEIO AMBIENTE NA OMC: EVOLUÇÃO RECENTE E DESAFIOS

Resumo

A proliferação de medidas comerciais restritivas com alegada finalidade ambiental tem sido acompanhada por intensa atividade diplomática e acadêmica em favor de narrativas parciais sobre a sustentabilidade ambiental no comércio. Tal cenário, somado ao recrudescimento de conflitos geopolíticos (e seus impactos inflacionários) tende a reforçar a defesa da flexibilização do princípio da não discriminação como forma de superar alguns dos principais desafios no comércio internacional. O autor argumenta que, mesmo com a paralisia do Órgão de Apelação, o Sistema de Solução de Controvérsias da OMC continua ativo, e a incorporação de perspectivas enviesadas nos relatórios dos painéis pode legitimar a adoção de medidas unilaterais restritivas de alcance extraterritorial, influenciar o estabelecimento de novos parâmetros e acentuar desequilíbrios existentes. O artigo traça um panorama do tema e defende que a promoção da sustentabilidade no comércio deve ser compatível com os princípios fundamentais dos regimes de comércio e de meio ambiente.

Palavras-chave: Comércio internacional. Meio Ambiente. OMC.

COMERCIO Y MEDIO AMBIENTE EN LA OMC: EVOLUCIÓN RECIENTE Y RETOS

Resumen

La proliferación de medidas comerciales restrictivas con supuestos fines medioambientales ha ido acompañada de una intensa actividad diplomática y académica a favor de narrativas parciales sobre la sostenibilidad medioambiental en el comercio. Este escenario, sumado al recrudecimiento de los conflictos geopolíticos (y sus impactos inflacionarios), tiende a reforzar la defensa de la flexibilización del principio de no discriminación como forma de superar algunos de los principales retos del comercio internacional. El autor sostiene que, incluso con la parálisis del Órgano de Apelación, el Sistema de Solución de Controversias de la OMC sigue activo, y la incorporación de perspectivas sesgadas en los informes de los paneles puede legitimar la adopción de medidas unilaterales restrictivas de alcance extraterritorial, influir en el establecimiento de nuevos parámetros y acentuar los desequilibrios existentes. El artículo ofrece una visión general del tema y defiende que la promoción de la sostenibilidad en el comercio debe ser compatible con los principios fundamentales de los regímenes comerciales y medioambientales.

Palabras clave: Comercio internacional. Medio ambiente. OMC.

Introduction

The worsening climate crisis and the accelerating loss of biodiversity have heightened the convergence between trade and environmental governance, as well as between their respective regulatory regimes. Amid the proliferation of unilateral trade-restrictive measures and the growing use of subsidies justified on environmental grounds, there has been, within the World Trade Organization (WTO)—as well as in academic institutions and think tanks operating within its orbit—a strengthening of narratives that support the legitimization of such practices and endorse interpretations of the principle of non-discrimination that allow distinctions between products based on the sustainability of their production processes. These interpretations, however, fail to take into account fundamental principles of both the trade and environmental regimes, such as the recognition of differentiated historical circumstances and responsibilities.

In a context of growing friction in international trade, the WTO Dispute Settlement System (DSS) continues to be frequently invoked—38 new consultations (the stage preceding the establishment of a panel) were initiated between 2020 and 2024—despite the paralysis of its Appellate Body (AB). In March 2024, the panel established in the *European Union—Palm Oil (DS600)* case issued a controversial opinion endorsing several of the arguments advanced by the bloc to assert that its Green Deal is compatible with WTO rules. Such pronouncements by the DSS carry significant weight, given the rapid expansion of trade measures justified on environmental grounds and the continued role of the WTO—as the nerve center of the international trade regime, bringing together the "principles, norms, rules, and procedures around which the expectations of actors converge in a given area of concentration," according to Krasner's (1982) definition—as a benchmark for the formulation of trade policies, even when their compatibility with WTO rules is contested.

Considering that WTO jurisprudence is not static and that its legal framework is not immune to external influence, the growing prominence of narratives supportive of environmental trade restrictions within the WTO may influence panel decisions and thereby contribute to legitimizing partial and unbalanced conceptions of sustainability. This risks exacerbating systemic inequalities that disadvantage developing countries and carry implications for Brazil. Moreover, the paralysis of the organization's negotiating arm renders the WTO's legal activity even more central to the governance of interactions between trade and the environment (Von der Weid 2024).

Although the primary objective of the multilateral trading system is to generate predictability and foster the expansion of international trade flows, provisions allowing the adoption of restrictive measures aimed at conserving natural resources have existed since the 1947 General Agreement on Tariffs and Trade (GATT). The GATT establishes non-discrimination as a foundational principle, reflected in the obligations not to differentiate between like products originating from different trading partners ("most favored-nation treatment", Art. I) and not to discriminate between domestic and foreign like products (imports must receive "national treatment", Art. III). Article XX, however, permits members to adopt policies that are *prima facie* inconsistent with other GATT disciplines, provided they fall within specific exceptions, including measures: (a) *necessary* to protect public morals; (b) *necessary* to protect human, animal, or plant life or health; or (g) *relating to* the conservation of exhaustible natural resources. The interpretation of how these exceptions—and analogous provisions in other WTO agreements—accommodate environmental concerns has evolved significantly, with far-reaching implications for international trade.

This article argues that the advance, within the WTO, of partial interpretations of sustainability in trade has the potential to exacerbate existing injustices and generate consequences extending beyond the country's engagement in the organization. To this end, the article provides an overview of WTO jurisprudence at the intersection of trade and the environment, and examines how this interaction has recently manifested within the organization's three pillars—monitoring of trade policies, negotiation of new rules, and dispute settlement—as well as the opportunities these discussions present for Brazil.

WTO Jurisprudence on Trade and the Environment

Within the legal pillar of the multilateral trading system, environmental issues related to trade have been addressed in a number of cases, some dating back to the GATT era. Most of these disputes examined whether it is permissible to discriminate between like products on the basis of sustainability-related criteria. The creation of the WTO and the strengthening of the legal pillar of the multilateral trading system (MTS) introduced new dynamism into the interpretation of multilateral trade agreements. As Ramalho (2020) notes, during the first decades following the entry into force of the GATT, a "diplomatic-negotiated" approach to dispute settlement prevailed, whereas

the advent of the WTO reinforced a more legalistic approach, in a context in which the United States committed to curbing the unilateral use of Section 301-type retaliatory measures, thus prompting the establishment of a considerably more robust mechanism.

Although dispute settlement rulings produce effects only for the parties involved and only with respect to the specific case, precedents have guided the analysis of subsequent similar disputes. Consistency with its own jurisprudence is one of the reasons why the WTO has been accused by critics of "legal overreach." Furthermore, it is worth noting that the Appellate Body has affirmed in its case law that the balance between the objectives pursued—as well as the interpretation of the relevant provisions—is not static; rather, it must be delineated based on the concrete circumstances of the case and in light of a specific material and legal context (WTO 2025a).

In WTO jurisprudence, four main, non-exhaustive criteria have been used to determine whether products are "like": the physical characteristics of the products; whether they can serve the same or similar end-uses; whether consumers regard them as alternative means of performing specific functions; and their classification under the international tariff schedule (WTO 2025a). If the products are found to be like, any justification for differential treatment must rely on the general exceptions under Article XX of the GATT.

Article XX permits the adoption of restrictive measures that are inconsistent with WTO agreements but may nonetheless be justified on various grounds. Among the ten circumstances listed, three have been particularly relevant for the analysis of environmental issues within the WTO: subparagraph (a), concerning measures "necessary to protect public morals," which has been invoked with increasing frequency; subparagraph (b), concerning measures necessary to protect human, animal, or plant life or health; and subparagraph (g), concerning measures relating to the conservation of natural resources.

For an environmentally motivated measure that is otherwise inconsistent with WTO rules to be justified under Article XX, WTO jurisprudence has, since the *US–Gasoline* case (1996)—the first case reviewed by the Appellate Body—required a two-tiered analysis: a) the responding member must demonstrate that the contested measure falls within one of the policy objectives listed in Article XX; and b) the measure must also be shown to comply with the chapeau of Article XX. This second step requires assessing whether the measure has been applied in a manner that constitutes "arbitrary or unjustifiable discrimination between countries where the same conditions prevail" or a "disguised restriction on international trade." According to jurisprudence dating back to the GATT era (Cavalcanti, 2013), members seeking to defend the legality of restrictive

measures by invoking exceptions bear the burden of proof—an inversion of the usual rule that places the burden on the complainant to demonstrate a violation of a GATT obligation.

Another relevant factor concerns the interpretation of the terms used in Article XX. As affirmed in the *US–Gasoline* case (1996), the different formulations in subparagraphs (b)—measures "necessary" for a given objective—and (g)—measures "relating to" conservation—require different degrees of connection between the measure and the objective pursued. To justify a measure under subparagraph (b), the responding party must demonstrate that the measure is necessary to protect human, animal, or plant life or health. In the *Brazil–Retreaded Tyres* case (2007), the panel accepted Brazil's argument that the import ban on retreaded tyres was necessary to mitigate the risks associated with the accumulation of tyre waste, even though the measure violated Article XI (on quantitative restrictions). The panel, however, concluded that the exemption granted to MERCOSUR countries was not consistent with the chapeau of Article XX.

Although subparagraph (g) was originally conceived to permit trade restrictions on non-renewable natural resources—particularly minerals—in situations involving supply controls, it has also been used to justify trade restrictions aimed at environmental protection, illustrating how the absence of specific rules induces the adaptation of provisions created with different concerns in mind (Cozendey, 2013). To be justified under subparagraph (g), a measure must relate to the conservation of exhaustible natural resources and operate in tandem with restrictions on domestic production or consumption. In the *US–Shrimp* case (1998), the complainants argued that the provision was intended to conserve mineral (or "non-living") resources, since living organisms would be "renewable," rather than "exhaustible." The Appellate Body disagreed, affirming that the concept of "natural resources" is not immutable, that living species are susceptible to extinction and depletion, and observing that although the text of Article XX had not been modified since 1947, the 1994 Marrakesh Agreement reflects environmental protection as a fundamental objective of the WTO. This case stands as one of the clearest examples of how the interpretation of WTO agreements—particularly the 1947 GATT—has evolved over time in response to changing contexts.

Regarding the requirement that a measure be "related to" conservation, the Appellate Body found in the *US–Shrimp* case (1998) that there must be a genuine causal relationship between the measures adopted and the objectives pursued. Additionally, the requirement of "effective" domestic restrictions on production or consumption demands that the measure not be applied in

a discriminatory manner. In the *China–Raw Materials* case (2012), the panel found that China had not adopted domestic measures aimed at conserving the resources for which it had imposed export restrictions, and therefore the measure could not be justified.

With respect to the need for conformity with the chapeau of Article XX, the Appellate Body held in the *US–Gasoline* case (1996) that the obligation concerns the manner in which a measure is applied—namely, whether imported products receive less favorable treatment than like domestic products, or whether the measure discriminates among trading partners. In that case, the panel determined that the U.S. measure violated Article III:4 of the GATT because imported gasoline had been treated less favorably than domestic gasoline. Similarly, while Brazil's ban on the importation of retreaded tyres was found justifiable under subparagraph (b), it was nonetheless inconsistent with the chapeau because it allowed exceptions for domestic products and those from MERCOSUR countries.

The chapeau functions to underscore that, although exceptions may be justified, they cannot be applied with the purpose of circumventing obligations arising under the GATT. It therefore embodies the necessary balance between rights and obligations, preventing potential abuse of the exceptions. The chapeau does not prohibit discrimination *per se*, but rather "arbitrary or unjustifiable" discrimination[2] between countries where the same conditions prevail; in its application, both the actual effects of the measure and the existence of non-discriminatory alternatives must be taken into account.[3] In the *US–Shrimp* case (1998), the Appellate Body also stated that prior engagement or good-faith dialogue with affected parties, the calibration of differential treatment according to differing conditions and risks, and the availability of viable, non-discriminatory alternatives to achieve the same objective are all relevant to assessing conformity with the chapeau.

In *EC–Seal Products* (2009), Norway argued that the European Union's ban on the importation of seal products was discriminatory because it included exceptions that granted privileged market access to similar products produced within the EU (e.g., Greenland) and in countries other than Norway. The panel found the measure unjustifiable under both subparagraph (b)—protection of animal life—and the chapeau. In that case, the absence of effective measures within the European Union aimed at protecting animal life, combined with the exception granted to traditional communities in Greenland, rendered

2 Appellate Body Report, US—*Gasoline* (1996), 23.

3 Panel Report, *Argentina—Hides and Leather* (2001), paras. 11.324–11.330.

the import restriction unjustifiable. Moreover, the Appellate Body held that the protection of animal life could also be justified under subparagraph (a), as necessary to protect public morals—an important precedent regarding environmentally motivated measures invoking Article XX. In the recent *EU–Palm Oil* dispute, the European Union sought to justify Green Deal–related measures by arguing that subparagraphs (a), (b), and (g) together formed an "indivisible set of rights" (Von der Weid 2024).

Discrimination Based on Processes and Production Methods (PPMs)

Another fundamental question concerning environmental measures is whether WTO rules permit the differentiation of like products based on the processes and production methods (PPMs) used to produce them, and whether PPMs affect the characteristics of the final product. WTO jurisprudence indicates that the mere use of different PPMs in the manufacture of two products does not, in itself, render them "unlike." In *US–Shrimp*, the contested measure was the U.S. prohibition on the importation of shrimp from countries that did not use the technology known as Turtle Excluder Devices (TEDs). The measure imposed differential treatment based on PPMs that do not affect the final product. Although the measure was found to be justified under subparagraph (g) of Article XX, the Appellate Body held it to be inconsistent with the chapeau of that article. After the United States modified the measure to bring it into conformity with the Appellate Body's findings, the Appellate Body concluded that the United States had made good-faith efforts to seek a negotiated solution. In practice, this amounted to an endorsement of the use of unilateral measures with extraterritorial effects and of considering production methods in the analysis of product "likeness" (Zanocchi, 2020).

Environmental Discrimination under Other WTO Agreements

The Technical Barriers to Trade (TBT) Agreement also bears a strong relationship to environmental restrictions, being the first multilateral trade agreement to explicitly include the term "environment" (Patriota 2013). Approximately 25% of specific trade concerns raised in the TBT Committee relate to measures that cite environmental protection among their objectives (WTO 2025a). Since 1995, more than 100 environment-related specific trade concerns have been raised in connection with TBT measures adopted for purposes such as: controlling hazardous substances, chemicals, and heavy metals; regulating vehicles and air pollution; improving the energy efficiency of equipment and household appliances; and managing resources, waste,

reuse, and recycling of vehicles and electrical and electronic products. Like the GATT, the TBT Agreement requires imported products to receive treatment no less favorable than that accorded to like domestic products (Article 2.1). It also stipulates that technical regulations must not be "more trade-restrictive than necessary" to fulfil a legitimate objective (Article 2.2). A similar provision appears in Article 5.6 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), which seeks to prevent the legitimate right to regulate and set national standards from resulting in a proliferation of non-tariff barriers—a phenomenon that became more significant as tariffs were progressively reduced under the evolution of the multilateral trading system (Zanocchi 2020).

It is also important to note that support measures have increasingly been used to promote the decarbonization of the economy, making it essential to assess the compatibility of such subsidies with the Agreement on Subsidies and Countervailing Measures (ASCM). The Appellate Body has indicated that, as long as they do not discriminate between domestic and foreign products, nor among different countries of origin, decarbonization-oriented subsidies may be compatible with WTO rules, and differentiation among energy sources may be legitimate (Bodansky, Brunnée, and Rajamani 2017). Moreover, in light of the climate crisis, such subsidies could be understood as satisfying the "necessity" requirement under subparagraph (b) (Gehring, Segger, and Hepburn 2012).

Trade and the Environment at the WTO: Recent Developments

In the year the WTO marked its 30th anniversary, numerous questions have been raised about its relevance in helping to address the various challenges currently facing international trade. It is often claimed that the paralysis of the Appellate Body, combined with the difficulty of negotiating new rules—which, some argue, would allow the institution to better adapt to the growing complexity of global trade—has rendered the WTO unable to provide the solutions required in the present context. A closer examination, however, shows that activities across the WTO's three pillars remain fundamental not only for anchoring expectations regarding the functioning of the trading system, but also for potentially defining new parameters in areas of significant importance.

The WTO as a Platform for Narratives on Trade and the Environment

Beyond trade dispute settlement, the WTO also has as core pillars the negotiation of new rules and the discussion and monitoring of trade policies. Examining the WTO as a forum at the intersection of trade and sustainability reveals surprising dynamism. In the Committee on Trade and Environment (CTE), recent measures such as the European Union's Green Deal and the United States' Inflation Reduction Act have been debated, with their compatibility with WTO rules being questioned. Meanwhile, the establishment of the Trade and Environmental Sustainability Structured Discussions (TESSD)—a plurilateral initiative launched in 2020 and formally joined by nearly 100 members—has created an additional and more flexible space for engagement on these issues. Debates within the group are organized around four themes: (i) trade-related climate measures (TRCMs); (ii) environmental goods and services; (iii) the circular economy; and (iv) the environmental impacts of subsidies.

Two other Joint Initiatives—plurilateral initiatives—created in 2020 have also advanced discussions of environmental issues within the WTO: the Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (DPP) and the Fossil Fuel Subsidy Reform (FFSR) initiative. The first aims to explore how the WTO could contribute to efforts to reduce plastic pollution and to support the Intergovernmental Negotiating Committee (INC), which is responsible for drafting a legally binding treaty to eliminate plastic pollution. The FFSR, in turn, promotes discussions aimed at reducing and gradually phasing out fossil fuel subsidies.

Because no single member can unilaterally block the agenda of the Joint Initiatives, and because these initiatives feature greater participation from international organizations and think tanks, the TESSD, DPP, and FFSR have emerged as more dynamic spaces for the exploration of ideas and debates that would have limited room within the CTE but which may influence the definition of new parameters (Fukunaga 2024).

Also noteworthy is the WTO's growing openness to external actors, including academics, business representatives, NGOs, and trade unions. This trend is visible in the Public Forum—an open and accessible platform for dialogue with external stakeholders on international trade and WTO policies—as well as in the annual Trade and Environment Week, which features dozens of panels on the trade–environment interface with broad external participation. In both settings, one observes substantial engagement from experts based outside Geneva, with a predominance of participants from countries favored by geographic proximity.

Both the plurilateral fora—open to the participation of think tanks and convention secretariats—and the Public Forum and Trade and Environment Week have been used as platforms to disseminate narratives favorable to the use of unilateral restrictive measures purportedly adopted for environmental purposes. In these settings, countries that implement such measures organize panels dedicated to their justification and claim that they were subject to extensive consultations (so that, in a potential adjudicatory panel, they could argue that broad prior dialogue with affected parties took place), while scholars supportive of these measures are given ample space to promote their ideas.

One proposal circulating in this environment is the establishment of a Climate Waiver. In his book *Trade Links* (2022), former WTO Appellate Body member James Bacchus contends that the differentiation of products based on carbon emissions would create the predictability needed to reduce the risk of carbon leakage—i.e., the relocation of industries to countries with more permissive environmental regulations—and to encourage the creation of climate clubs, thereby facilitating trade among countries with similar carbon-pricing systems. The initiative was first proposed by Germany in 2020 (Bellmann 2022) and has been endorsed by prominent academics, such as Georgetown professor and former Appellate Body member Jennifer Hillman (Hillman and Damian 2023).

A similar idea has been advanced by Yale international law professor Daniel Esty, who served as an advisor to the WTO Director-General between 2022 and 2023 and participated actively in discussions on the matter in Geneva. Author of *Greening the GATT—Trade, Environment, and the Future* (1994), Esty argues that measures such as border carbon adjustment mechanisms (BCAs), designed to enable greater ambition in addressing climate change, should be viewed as acts of "multilateralism-unilateralism" (Dominioni and Esty 2023) and should be subject to lighter scrutiny within the WTO. This is because, as signatories to the Paris Agreement, WTO members would have at least tacitly expressed support for measures aimed at decarbonization. Esty also coordinated the development of the *Villars Framework*, a set of proposals to promote greater flexibility in WTO rules in favor of a partial view of sustainability.

Also noteworthy is the growing role of the Secretariat in this area. In addition to publishing numerous reports in recent years—not always with the expected balance—the Secretariat has taken an active role in various forums and events, such as the UNFCCC COPs, where it maintains its own pavilion, organizes panels, and produces studies (Bellmann 2022). Furthermore, the Secretariat has sought coordination with other international organizations

to promote convergence in carbon-pricing mechanisms and advance a nature-positive agenda at the intersection of trade and biodiversity (TESS 2024), without prior consultation with members.

Regarding the WTO's function as a forum for debate and monitoring, it is also worth noting how the topic has been addressed at recent Ministerial Conferences, the organization's highest decision-making body. At MC12 (Geneva, June 2022), the final declaration recognized—for the first time in the WTO—the need for trade to contribute to climate crisis solutions (Bellmann 2022). At MC13 (Abu Dhabi, March 2024), however, there was considerable pushback from developing countries, which issued and broadly endorsed a declaration emphasizing the importance of respecting the fundamental principles of environmental and trade regimes and criticizing the imposition of unilateral measures that create arbitrary or unjustifiable discrimination (James, Bhola and Deere-Birkbeck 2024).

The WTO as a Negotiating Forum

In the area of trade negotiations, ongoing activities within the WTO also merit close attention, with renewed momentum in discussions on environmental goods and services and on the development of parameters for decarbonization and for the adoption of trade-related climate measures (TRCMs).

As part of the "Geneva Package" achieved at the conclusion of MC12, in June 2022, WTO members adopted the Agreement on Fisheries Subsidies. As the first agreement in the WTO with a primarily environmental purpose—and the first example of the "multilateralization" of environmental clauses originally set out in trade agreements outside the organization (Fukunaga 2024)—the accord seeks to protect marine ecosystems and eliminate illegal, unreported, and unregulated (IUU) fishing, as mandated by target 14.4 of the Sustainable Development Goals.

Discussions on environmental goods and services have gained new impetus with the creation of a dedicated sub-group on the topic within the TESSD. Although the long-standing challenge of defining "environmental goods" remains—just as it did during the Doha Round (Patriota 2013)—participants in the forum have been working to draw up a list that could allow negotiations to resume, while the Secretariat has sought to revive discussions within the CTE-SS. Although the TESSD is a dialogue platform rather than a negotiating body, the initiative may pave the way for future negotiations on binding commitments (Fukunaga 2024).

Recent Analysis of Environmental Issues by the WTO Dispute Settlement System

With the expiration of the terms of two Appellate Body members in December 2019 and the United States' objection to new appointments, the WTO Appellate Body was left with only one adjudicator. In light of Article 17.1 of the Dispute Settlement Understanding (DSU), which requires at least three members to constitute the division, the Appellate Body became inoperable. Nevertheless, this paralysis did not lead to a decline in the use of the Dispute Settlement System: 38 new consultations (the stage preceding the establishment of a panel) were initiated between 2020 and 2024, and several of the reports issued—and the interpretations therein regarding the interface between trade and sustainability—are of considerable importance.

It is worth emphasizing that many unilateral restrictive measures purportedly adopted for environmental purposes are drafted in ways that make them potentially compatible with WTO rules (Sutton 2025). Moreover, WTO agreements have been interpreted in an evolutionary manner in dispute settlement, allowing the system to accommodate members' emerging concerns (Fukunaga 2024). As a result, interpretations that endorse the discrimination of products according to selective sustainability criteria may legitimize ongoing measures and encourage the adoption of similar practices.

It is in this context that the panel report in case DS600 (European Union and Certain Member States–Palm Oil, brought by Malaysia) assumes particular significance. The challenged measures set renewable-energy consumption targets for the EU transport fuel market, limiting the use of certain biofuels on the grounds that they would have negative environmental impacts.

In its 2024 report, the panel agreed with Malaysia that the EU had acted in a discriminatory manner when assessing the risk that different biofuels contribute to indirect land-use change (ILUC) and that the measure afforded more favorable treatment to like domestic products. Nonetheless, the panel upheld several of the EU's arguments, finding that the restriction on certain biofuels did not violate Article 2.2 of the TBT Agreement, which provides that technical regulations must not be "more trade-restrictive than necessary to fulfil a legitimate objective." The panel further agreed that limiting high-risk biofuels constituted a measure "necessary to protect human, animal or plant life or health" and one "relating to the conservation of exhaustible natural resources," thus falling within the justifications of Article XX(b) and (g) of the GATT. Regarding the extraterritorial reach of unilateral measures, the report stated that the exceptions in TBT Article 2.2 and GATT Article XX "do not have any inherent jurisdictional or territorial limitation," and that, because

the climate crisis is "inherently global in nature," there was a sufficient nexus between the measure and the objective of reducing emissions. This represents a more "environment-forward" understanding than in previous cases, where the dispute settlement system recognized the space for environmental measures but sought to maintain the primacy of trade liberalization. In light of the evolutionary nature of WTO jurisprudence, the decision may reflect growing pressure to adopt interpretations favorable to trade restrictions justified on environmental grounds, particularly in the absence of new multilateral rules on the matter.

With respect to the recent evolution of the WTO's legal pillar, it is important to underline that some members have opted for an alternative mechanism to the Appellate Body for reviewing panel reports. The Multi-Party Interim Appeal Arbitration Arrangement (MPIA) brings together 54 members, incorporates the WTO's appellate review rules, and, in disputes between participants, replaces the previously existing appellate procedures. Since 2020, twelve cases have been initiated between MPIA participants, and the involvement of major economies (e.g., China, the EU, Brazil), along with the mechanism's complementary nature vis-à-vis the Dispute Settlement System, indicates that members are likely to continue relying on the WTO to resolve trade disputes (Shaffer 2021).

Brazil's Recent Engagement in Debates on Trade and the Environment

Brazil has maintained an active profile in discussions on trade and environment at the WTO, engaging constructively in the three Joint Initiatives related to the topic—as a co-sponsor in the case of the TESSD, and as an observer in the others—as well as in the CTE and various other bodies addressing the issue. Within the TESSD, Brazil's involvement was essential to ensuring that the environmental impacts of agricultural subsidies remained on the agenda. Brazilian experts have also participated in panels during both the Public Forum and Trade and Environment Week.

Another important avenue of engagement has been Brazil's submission of documents for analysis and discussion by WTO members. In June 2024, Brazil circulated document WT/GC/W/938, proposing an expanded debate on sustainability in agriculture in order to rebalance how the topic is treated within the WTO. To that end, the document examines the implications of environmentally motivated measures that may negatively affect agricultural trade, which is already highly distorted, and discusses national policies capable of promoting sustainable agriculture without harming trade, as well as the

importance of recognizing differing national circumstances—one of the pillars of international environmental law and also recognized in the multilateral trading system—in the promotion of sustainability in production processes.

This initiative is necessary to help rebalance discussions on agricultural trade, a major unresolved issue in the WTO. Despite the bargain struck in the Uruguay Round—in which developing countries accepted rules on issues such as intellectual property, services, and investment in exchange for long-awaited multilateral rules on agricultural trade, an area marked by substantial distortions—and despite the commitment in Article 20 of the Agreement on Agriculture (AoA) to reduce limits on agricultural subsidies, there has been no progress on this issue since 1995. Producers in developed countries have received substantial support to comply with new environmental requirements (TESS 2022), enabling exports at prices that do not cover production costs (Domen and Golay 2020). In a scenario in which developing countries did not fully benefit from the bargain (Bacchus 2022), the advancement of biased perspectives risks exacerbating distortions in agricultural trade and increasing inequities within the current framework.

Also notable is how Brazil has used its presidencies of the G20 and the BRICS to articulate new perspectives on the relationship between trade and environment, thereby opening avenues to shape the treatment of the issue in Geneva. In 2024, Brazil led the approval of the *G20 High-Level Principles on Bioeconomy*, a concept supporting the development of more sustainable and inclusive products, processes, and services, as well as the *G20 Principles on Trade and Sustainable Development*, through which G20 members committed to ensuring that environmentally motivated trade measures are compatible with WTO rules and take into account different levels of development among countries. During its BRICS presidency, Brazil promoted constructive approaches to the trade–environment nexus, focusing on cooperation, inclusiveness, and equity in carbon-accounting methodologies and on the dissemination of technologies necessary for the energy transition. In both forums, the discussions advanced by Brazil provide valuable inputs for shaping WTO debates on the topic, so that the pursuit of sustainability in trade takes place in a fair and balanced manner.

Conclusion

In the 30 years since its establishment, the WTO has contributed to the significant expansion of global trade, the improvement of living standards

in many countries, and the promotion of sustainable development. At the ceremony marking the anniversary—held just days after the drastic import tariff increases announced by the United States—Director-General Ngozi Okonjo-Iweala stated: "The uncertainty around global trade has reminded many members why they value the WTO as a bedrock of predictability in the global economy – and as a platform for dialogue and cooperation on trade" (WTO 2025b). She also noted that the legitimate concerns expressed in recent years about the WTO and the multilateral trading system should be viewed as an opportunity to "change the system for the better." The challenge, in the face of advancing partial narratives, lies in determining what would in fact constitute "better"—and for whom.

The convergence of the trade and environmental regimes is unfolding across a broad range of fora, actors, and perspectives. Yet, what stands out is the increasing use of discriminatory trade policy instruments adopted for environmental purposes, characterized by selective criteria and unilateral procedures that disregard fundamental principles of both regimes. This trend has been accompanied by calls to reform the rules of the multilateral trading system so as to accommodate measures that, under the current framework, would be vulnerable to challenge before the Dispute Settlement System (DSS). Given this context, several factors underscore the importance of Brazil maintaining active engagement in discussions on trade and environment at the WTO.

While environmental governance is one of the most fragmented areas of international law—with numerous agreements in force and no international body responsible for ensuring consistency in their implementation (Ikeda 2015)—the WTO remains the focal point for expectations in international trade. Even members adopting unilateral restrictive measures generally seek to demonstrate their compatibility with WTO rules. Negotiations and deliberations within the organization are likely to continue, even in the form of "soft law," and may ultimately shape the definition of new parameters (Shaffer 2021). Moreover, bilateral and plurilateral trade agreements have sought to codify and consolidate WTO case law (Vidigal 2024). Members continue to bring disputes to the DSS, and panel decisions may—at least in part—legitimize unilateral restrictive measures, encouraging not only the proliferation of similar policies but also the incorporation of equivalent provisions into non-WTO agreements. Because DSS jurisprudence is not static and adjudicators' reasoning may be influenced by contemporaneous political and economic conditions, developments on this issue in Geneva require constant scrutiny.

It is incumbent upon Brazil not only to question the social costs and the relationship between an adopted unilateral measure and its desired environmental benefit, but also to identify less trade-restrictive alternatives capable of achieving the same objective and promoting more inclusive ways of harnessing trade for environmental purposes. It is essential to ensure that the pursuit of legitimate objectives remains consistent with the fundamental principles underpinning both the trade and environmental regimes, and that the necessary transition to a more sustainable economy unfolds in a fair and inclusive manner.

References

Bacchus, James. 2022. *Trade Links: New Rules for a New World*. Cambridge University Press.

Bellmann, Christophe. 2022. "Trade and Climate Change in the World Trade Organization." Forum on Trade, Environment & the SDGs (TESS).

Bodansky, Daniel, Jutta Brunnée, and Lavanya Rajamani. 2017. *International Climate Change Law*. Oxford University Press.

Corrêa do Lago, André Aranha. 2006. *Estocolmo, Rio, Joanesburgo: O Brasil e as Três Conferências Ambientais das Nações Unidas*. FUNAG; Instituto Rio Branco.

Cozendey, Carlos Márcio. 2013. "O Sistema de Solução de Controvérsias da OMC: Para Além dos Contenciosos, a Política Externa." In *O Sistema de Solução de Controvérsias da OMC: Perspectiva Brasileira*, edited by Daniela Benjamin. FUNAG.

Dominioni, Goran, and Daniel C. Esty. 2023. *Designing Effective Border Carbon Adjustment Mechanisms: Aligning the Global Trade and Climate Change Regimes*. *Arizona Law Review* 65: 1.

Dommen, Caroline, and Christophe Golay. 2020. *Switzerland's Foreign Policy and the United Nations Declaration on the Rights of Peasants*.

Dupuy, Pierre-Marie, and Jorge E. Viñuales. 2018. *International Environmental Law*. Cambridge University Press.

Forum on Trade, Environment, & the SDGs (TESS). (2024). *Trade and Environment at the World Trade Organization: State of Play and Entry Points*. Forum on Trade, Environment, & the SDGs (TESS).

Fukunaga, Yuka. 2024. "Interactions between Free Trade Agreements' Sustainability Provisions and WTO Law." In *The Sustainability Revolution in International Trade Agreements*, 335–53. Oxford University Press.

Gehring, Markus W., Marie-Claire Cordonier Segger, and Jarrod Hepburn. 2012. "Climate Change and International Trade and Investment Law." In *International Law in the Era of Climate Change*. Edward Elgar Publishing.

Hillman, Jennifer A., and Loriane Damian. 2023. *Using Trade Tools to Fight Climate Change*. Georgetown Law.

Ikeda, Maria Angélica. 2015. "A Fragmentação do Direito Internacional e o Forum Shopping em Negociações Internacionais: Desafios na Defesa dos Interesses do Brasil em Comércio e Meio Ambiente e Propostas de Ação." Tese para o Curso de Altos Estudos (CAE), Instituto Rio Branco.

James, Eugene, Vinati Bhola, and Carolyn Deere Birkbeck. 2024. *Environment, Climate, and Sustainable Development at MC13: A Review of Ministerial Declarations, Decisions, and Statements*. Forum on Trade, Environment & the SDGs (TESS).

Krasner, Stephen D. 1982. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 36 (2): 185–205.

Patriota, Erika Almeida Watanabe. 2013. *Bens Ambientais, OMC e o Brasil*. FUNAG.

Ramalho, Marcus Vinicius. 2020. *A Crise do Sistema de Solução de Controvérsias da OMC*. Instituto Rio Branco.

Shaffer, Gregory. 2021. *Emerging Powers and the World Trading System: The Past and Future of International Economic Law*. Cambridge University Press.

Vidigal, Geraldo, and Kathleen Claussen. 2024. *The Sustainability Revolution in International Trade Agreements*. Oxford University Press.

Von der Weid, Carolina Hippolito. 2024. *Revisitando o Protecionismo Verde: Riscos e Oportunidades para o Brasil na Aproximação dos Regimes Multilaterais de Comércio e de Meio Ambiente*. Instituto Rio Branco.

WORLD TRADE ORGANIZATION, Panels. 2007–2024. Case reports*; Brazil–Retreaded Tyres (2007); EC–Seal Products (2009); China–Raw Materials (2012) EC–Palm Oil (2024)*.

WORLD TRADE ORGANIZATION, Appellate Body. 1996–2012. Case reports: *US-Gasoline (1996); US-Shrimp (1996); EC – Asbestos (2001); Brazil – Retreaded Tyres (2007); China – Raw Materials (2012)*.

WORLD TRADE ORGANIZATION. 2025a. "Trade & Environment."

https://www.wto.org/english/tratop_e/envir_e/envir_e.htm.

WORLD TRADE ORGANIZATION. 2025b. "Marking 30th Anniversary, the WTO Reflects on Historic Achievements and Future Challenges." https://www.wto.org/english/news_e/news25_e/30yr_10apr25_e.htm.

Zanocchi, José Maria McCall. 2020. *A Proteção do Meio Ambiente no Comércio Internacional*. Lumen Juris.

Annex I – Landmark WTO cases on trade and the environment

Case	Description	Decision
DS2–US–Gasoline (US v. Venezuela). 1996–1997.	Venezuela argued that a tax imposed by the U.S. on imported gasoline to reduce air pollution violated the principle of non-discrimination.	This was the first case decided by the Appellate Body (AB). The AB recognized the legitimacy of the environmental objective and affirmed that clean air constitutes an "exhaustible natural resource." However, it concluded that the measure violated Article III:4 of the GATT (national treatment) because it accorded less favorable treatment to imported gasoline
DS58–US–Shrimp (US v. India, Malaysia, Pakistan, Thailand). 1997–1998.	The case concerned a U.S. ban on the importation of shrimp from countries that did not require their fishing fleets to use turtle-excluder devices (TEDs) to protect endangered sea turtles.	The panel found that the import prohibition violated Article XI of the GATT (a point not disputed by the United States). The Appellate Body (AB) held that the measure was "related to" the conservation of exhaustible natural resources within the meaning of Article XX(g), noting that this concept also encompasses living species. However, the AB ruled that the measure's implementation was discriminatory and therefore not consistent with the chapeau of Article XX.
DS135–European Community–Asbestos–(EC v. Canada). 1998–2001.	Canada challenged France's ban on the importation of asbestos-containing products. A central issue was whether it would be legitimate to differentiate between "like products" based on the presence of asbestos in their composition.	The Appellate Body (AB) found that the measure was related to the protection of human health and that no reasonably available alternatives existed, concluding that the ban was justifiable under Article XX(b) of the GATT and consistent with the chapeau of that article. The AB also held that products containing asbestos were not "like" asbestos-free products.
DS332–Brazil–Retreaded tyres (Brazil v. European Community). 2005–2007.	The case concerned Brazil's prohibition on the importation of retreaded tyres. Brazil argued that the measure was necessary to protect public health.	The Appellate Body (AB) upheld the panel's finding that the measure was justifiable under Article XX(b) of the GATT and that no "reasonably available" alternatives existed that would achieve the same level of protection. However, the AB concluded that the manner in which the measure was applied resulted in discrimination.

DS381–United States–Tuna II (US v. Mexico). 2009–12.	Mexico challenged the labeling requirements for tuna in relation to the use of fishing methods considered harmful to dolphins.	The AB found that the measure violated Article 2.1 of the TBT Agreement because it accorded less favorable treatment to imported tuna compared with like domestic products. However, the AB disagreed with Mexico's claim that reasonably available alternative measures existed that would achieve the same regulatory objective
DS 394, 395, 398–China–Raw Materials (China v. Mexico, U.S., EU). 2009–2012	The disputes concerned the compatibility of China's export restrictions on certain raw materials with its WTO Accession Protocol and with the relevant provisions of the GATT.	The panel found that the restrictions imposed by China were not justifiable under Articles XX(b) and XX(g) of the GATT. These findings were not appealed. The Appellate Body (AB) affirmed that, to fall within the scope of Article XX(g), such export restrictions would need to be applied "in conjunction with restrictions on domestic production or consumption."
DS 412–Canada–Renewable Energy (Canada v. Japan). 2011–2013.	The dispute concerned local-content requirements in Canada's renewable energy programs. Japan argued that these requirements constituted prohibited subsidies.	The Appellate Body (AB) held that the discrimination against imported products was not covered by Article III:8(a) of the GATT. It agreed that the measure constituted a financial contribution within the meaning of Article 1.1(a) of the SCM Agreement and accepted that it was valid to conceptualize a more specific market for renewable energy in line with consumer preferences. However, the AB found itself unable to determine whether the measure conferred a benefit under Article 1.1(b).

UNIVERSAL DECLARATION OF HUMAN RIGHTS: LEGAL AND POLITICAL DIMENSIONS

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Abstract

This is the second of two articles on the ethical, moral, legal, and political dimensions of the Universal Declaration of Human Rights (UDHR). Focusing on the latter two aspects, this study complements an article on the ethical, moral, and political dimensions of the UDHR published in the 15th edition of these *Cadernos*. In four sections, it analyzes the UDHR from the following perspectives: (1) the incorporation of some of its norms into customary international law; (2) its binding nature as an authoritative interpretation of the UN Charter; (3) the codification of its norms in international treaties and regimes; (4) its incorporation into national legal systems. It concludes by pointing out the mutually reinforcing relationship between the moral, ethical, and legal dimensions of the values and norms consolidated in the Declaration, and the extent to which these ideals and rules influence political choices and the configuration of the world order.

Keywords: Human rights. Law. Legal theory. International relations. World politics.

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DECLARAÇÃO UNIVERSAL DOS DIREITOS HUMANOS: DIMENSÕES JURÍDICA E POLÍTICA

Resumo

Este é o segundo de dois artigos sobre as dimensões ética, moral, jurídica e política da Declaração Universal dos Direitos Humanos (DUDH). Dedicado aos dois últimos aspectos, este estudo complementa artigo sobre as dimensões ética, moral e política da DUDH publicado na 15ª edição destes *Cadernos*. Em quatro seções, analisa a DUDH sob os seguintes prismas: (1) a incorporação de parte de suas normas ao Direito internacional consuetudinário; (2) seu caráter vinculante como interpretação autorizada da Carta da ONU; (3) a codificação de suas normas em tratados e regimes internacionais; (4) sua incorporação em ordenamentos jurídicos nacionais. Conclui-se apontando a relação de reforço mútuo existente entre as dimensões moral, ética e jurídica dos valores e normas consolidados na Declaração, e a medida em que estes ideais e regras influenciam escolhas políticas e a configuração da ordem mundial.

Palavras-chave: Direitos humanos. Direito. Teoria do Direito. Relações Internacionais. Política mundial.

DECLARACIÓN UNIVERSAL DE DERECHOS HUMANOS: DIMENSIONES JURÍDICA Y POLÍTICA

Resumen

Este es el segundo de dos artículos sobre las dimensiones ética, moral, jurídica y política de la Declaración Universal de Derechos Humanos (DUDH). Dedicado a los dos últimos aspectos, este estudio complementa el artículo sobre las dimensiones ética, moral y política de la DUDH publicado en la 15.ª edición de estos Cuadernos. En cuatro secciones, analiza la DUDH desde los siguientes prismas: (1) la incorporación de parte de sus normas al derecho internacional consuetudinario; (2) su carácter vinculante como interpretación autorizada de la Carta de las Naciones Unidas; (3) la codificación de sus normas en tratados y regímenes internacionales; (4) su incorporación en los ordenamientos jurídicos nacionales. Se concluye señalando la relación de refuerzo mutuo que existe entre las dimensiones moral, ética y jurídica de los valores y normas consolidados en la Declaración, y la medida en que estos ideales y normas influyen en las decisiones políticas y en la configuración del orden mundial.

Palabras clave: Derechos humanos. Derecho. Teoría del Derecho. Relaciones internacionales. Política mundial.

Introduction

This is the second in a series of two articles that aim to examine the moral, ethical, legal, and political dimensions of the Universal Declaration of Human Rights. Complementing the previous study, which discussed the content and impact of the UDHR from moral, ethical, and political perspectives (Cabral 2024), this text analyzes the influence of the Declaration from legal and political standpoints. The political dimension appears in both articles because it concerns the behavior of actors and the process of institutional development, which are influenced both by the moral and ethical dimensions and by the legal dimension of human rights.

This article examines the various ways in which the precepts of the Universal Declaration of Human Rights are transformed into legally binding norms. These processes unfold through four distinct means, each corresponding to one section of the text. The first section discusses the gradual recognition of UDHR norms as part of customary international law. The second analyzes the extent to which the Declaration is understood as an authoritative interpretation of the UN Charter, a circumstance under which UDHR norms are considered legally binding due to their association with the founding treaty of the United Nations. The third section describes the creation of a multilateral legal regime—alongside regional regimes—comprising treaties inspired by the UDHR that codify its norms in the form of positive law. The final section investigates the process through which UDHR norms have been incorporated into the legal systems of more than half of today's States, by means of the codification of those norms in constitutions and domestic legislation, or, in some cases, through direct application by national courts, leading to the development of case law.

1.The Universal Declaration and Customary Law

Customary law, understood as "evidence of a general practice accepted as law," was recognized as a source of public international law in Article 38 of the Statute of the Permanent Court of International Justice, adopted in 1920; this same formulation was retained in the Statute of its successor, the International Court of Justice, in 1945 (League of Nations 1920; United Nations 1945). According to this definition, customary law comprises two elements: a factual element—consistent practice in accordance with a norm—and a psychological element—the belief that the norm must be observed, a notion commonly referred to as *opinio juris* (Humphrey 1989, 197–198).

In the field of human rights, customary law has three distinctive features. First, unlike in other areas such as trade and armed conflict, customary human rights law is a relatively recent phenomenon, dating mainly from the postwar period. Second, unwritten customary norms in this field derive mostly from previously agreed written documents, essentially the Universal Declaration and subsequent treaties. This is the opposite of what occurred in other legal domains, such as those mentioned above, where tacit rules predated formally adopted norms (Schabas 2021, 83).

Third, and most significantly, there are notable cases of customary human rights norms that have been recognized as such despite the refusal of certain recalcitrant states to comply with them or accept their binding nature. According to the American jurist Louis Henkin, the main cause of this unusual evolution of customary law in the field of human rights was the international outrage provoked by the apartheid regime in South Africa. Although that country persisted in its policies of racial discrimination and refused to accept the prohibition of such practices, a customary norm against this type of conduct was nonetheless recognized by leading legal authorities, including the American Law Institute in the third edition of its *Restatement of the Foreign Relations Law of the United States*, published in 1987 (Henkin 1996, 36–39).

This represents an important legal innovation, as it entails a rupture with the so-called "persistent objector principle." Indeed, it is understood that the psychological element of customary law is satisfied when there exists "general consensus" in favor of a norm, even in the absence of "unanimity." In this sense, persistent non-conformity has not prevented the recognition of various human rights—most of them first articulated in the Universal Declaration—as customary norms of international law binding on all states (Schabas 2021, 72–73; Henkin 1996, 36–39; Ramcharan 2013, 517).

A recent development that has had a transformative impact on the identification and consolidation of customary human rights law is the Universal Periodic Review (UPR) of the Human Rights Council (HRC). In effect since 2008, the UPR is a process whereby all UN Member States have their human rights performance examined at least once every four and a half years by other states, with technical support from the Office of the High Commissioner for Human Rights. HRC Resolution 5/1, which establishes the general rules of the UPR, specifies that the bases for the process are the Charter of the United Nations, the Universal Declaration of Human Rights, and the international human rights instruments to which the state under review is a party (Human Rights Council 2007).

What makes the UPR so decisive in this context is the fact that states with weak records of ratifying human rights treaties—including major actors such as the United States and China—explicitly identify, during their participation in the process (both as reviewed states and as commentators on the performance of others), the international norms they recognize as binding either on themselves or on other states. The characterization of the UDHR as a foundational basis of the UPR already serves as strong evidence of its relevance, and the fact that States frequently cite several of its norms throughout this process further reinforces the customary status of the precepts invoked.

The customary nature of specific human rights norms is recognized or asserted by a wide range of institutions, the most authoritative of which is the International Court of Justice (ICJ). Other significant institutions include the International Law Commission (ILC); the Human Rights Committee and other treaty bodies; the Special Procedures of the Human Rights Council; the courts and commissions of the African, American, and European regional human rights systems; national courts; groups of international experts such as the International Law Association and the International Commission of Jurists; and national expert bodies such as the American Law Institute (Schabas 2021, 72–73; Henkin 1996, 41–53).

The Universal Declaration is widely recognized as the most important and influential component of the International Bill of Human Rights (Humphrey 1983, 424, 438; Jayawickrama 2017, 36), as well as the source of most human rights norms that have become customary. This is due primarily to its status as the first human rights instrument with universal scope; to its political, ethical, and moral significance, reinforced by the manner in which it was negotiated, adopted, and later reaffirmed at the United Nations conferences in Tehran (1968) and Vienna (1993); to the fact that it applies to all UN Member States, not only to those that have ratified specific human rights treaties; and to its role as a major source of inspiration for most subsequent multilateral and regional human rights treaties, as well as for numerous other declarations and non-binding documents (Ramcharan 2013, 514–518; Henkin 1996, 40; United Nations 1968, §2; United Nations 1993, 8).

Assessments of the extent to which the norms of the Universal Declaration have acquired customary status vary considerably. The African Court on Human and Peoples' Rights stated in a 2015 decision that it considers the Universal Declaration as a whole to be part of customary international law (AfCHPR 2015a, 10), a view shared by several eminent jurists and legal practitioners, including John Humphrey (Humphrey 1989, 198). Beyond this general

statement, the African Court has also explicitly affirmed the customary status of UDHR norms relating to the right to life (AfCHPR 2015b, 32) and to nationality (AfCHPR 2015c, 22).

In its 1994 General Comment No. 24, the Human Rights Committee stated that States may not formulate reservations to the International Covenant on Civil and Political Rights that would exempt them from complying with customary international law norms. In this regard, the Committee noted that

> a State may not reserve the right to engage in slavery, to torture, to subject persons to cruel, inhuman or degrading treatment or punishment, to arbitrarily deprive persons of their lives, to arbitrarily arrest and detain persons, to deny freedom of thought, conscience and religion, to presume a person guilty unless he proves his innocence, to execute pregnant women or children, to permit the advocacy of national, racial or religious hatred, to deny to persons of marriageable age the right to marry, or to deny to minorities the right to enjoy their own culture, profess their own religion, or use their own language. And while reservations to particular clauses of article 14 may be acceptable, a general reservation to the right to a fair trial would not be. (United Nations 2008a, 249; Lillich 1996, 19-21; Schabas 2021, 36).

For its part, the American Law Institute listed in its third Restatement of the Foreign Relations Law of the United States (1987) the following State actions as violations of customary international human rights law:

> (a) genocide; (b) slavery or slave trade; (c) murder or causing the disappearance of individuals; (d) torture or other cruel, inhuman, or degrading treatment or punishment; (e) prolonged arbitrary detention; (f) systematic racial discrimination; (g) a consistent pattern of gross violations of internationally recognized human rights (Schabas 2021, 22).

Several years later, Louis Henkin—principal drafter of the human rights section of the *Restatement*—expressed willingness to expand this list to include the rights to live in a democracy, to freedom of religion, to gender equality, and to property (Henkin 1996, 36–39; Lillich 1996, 7; Shelton 2013, 517).

More cautious than the institutions and authors mentioned above, the International Court of Justice has "clearly and unequivocally" recognized the prohibition of torture as a human right incorporated into customary

international law (Schabas 2021, 127–131; ICJ 2012, 5, 13). Most interpreters also consider that the Court's pronouncements affirm, with a sufficient degree of clarity, the customary status of the prohibition of racial discrimination (Schabas 2021, 165–166; ICJ 1970, 32); slavery (Schabas 2021, 146; ICJ 1970, 32); arbitrary deprivation of liberty (Schabas 2021, 165–166; ICJ 1980, 42); as well as the proscription of genocide (Schabas 2021, 115; ICJ 2006, 32).

Despite a significant degree of convergence on the recognition of the customary nature of several specific human rights, substantial disagreements persist among specialists in the field. Reflecting this continued uncertainty, William Schabas—one of the foremost experts on this topic, and author of a recent comprehensive study on customary international human rights law—refrained from producing a categorical and exhaustive list of norms that have attained this status (Schabas 2021, 103). Given the complexity and the enduring controversies surrounding this area, this article does not aim to provide a definitive inventory of the human rights recognized as part of customary international law. What is essential to retain is, first, that several such rights have indeed acquired customary status and therefore apply to all states, irrespective of ratification or acceptance of any specific treaty; and second, that most of these rights take the Universal Declaration as their principal point of reference.

As a final observation, it is important to note that the Statute of the International Court of Justice also lists "the general principles of law recognized by civilized nations" among the sources of international law (United Nations 1945, art. 38 §1(c)). Despite this provision, this source is rarely invoked by jurists or courts in the field of human rights. When invoked, general principles of law are often not clearly distinguished from customary international law. Moreover, some domestic legal systems—for example, Article 10 of the Italian Constitution—do not use the expression "general principles" in exactly the same sense as the ICJ Statute. Finally, it should be noted that certain UDHR norms, sometimes described as general principles of law—such as the "principle of legality"—are also characterized as customary rules. Therefore, regardless of the relevance of general principles of law in other contexts, the concept is not necessary for the present analysis, as the issues at stake are sufficiently addressed within the preceding discussion of customary international law (Hannum 1996, 351–352; Oraá 1997, 182–183).

2. The Universal Declaration as an Authoritative Interpretation of the UN Charter

Beginning in the early 1940s, demands emerged from various quarters calling for the adoption of an "international bill of human rights." Notable events in this context included Franklin Roosevelt's "Four Freedoms" speech in early 1941, followed by a human rights conference in Buenos Aires and a speech by the Pope later that same year advocating a formal international commitment to human rights. The following year opened with the adoption of the Declaration by United Nations, in which the United States, Great Britain, and their wartime allies affirmed the need to defeat the Axis powers in order, among other objectives, "to preserve human rights" (Declaration by United Nations 1942, 2). In 1943, American Catholic, Protestant, and Jewish organizations organized a major mobilization calling for peace and the protection of human rights.

Another significant landmark in this process was the adoption of the Philadelphia Declaration of the International Labour Organization in 1944, a document filled with human rights concepts such as freedom of expression and association; democratic participation; dignity; equality of opportunity; and economic security (ILO, 1944, arts. I–III). In this atmosphere of renewed Wilsonian internationalist idealism, President Roosevelt and his team successfully worked, at the conferences of Tehran, Dumbarton Oaks, and Yalta, to gradually persuade the Soviets to support the creation of a United Nations Organization whose purposes would include the promotion and protection of human rights.

All these pressures and expectations converged at the San Francisco Conference, held from April to June 1945, where the final text of the Charter of the United Nations was negotiated and adopted. The delegations lacked the time and conditions necessary to negotiate a comprehensive bill of rights to be incorporated into the UN's founding document. Nonetheless, the concept of human rights figures prominently in the preamble and in seven articles of the Charter (Arts. 1, 13, 55, 56, 62, 68, and 76), and the document also includes explicit statements on equality between men and women, both in the preamble and in the main text (Art. 8). Human rights are listed among the purposes of the United Nations (Arts. 55 and 56), and the Charter provides for the creation of the Human Rights Commission (Art. 68).[2] In his closing

2 Following the provisions of the United Nations Charter, the Economic and Social Council adopted two resolutions in 1946 establishing the Human Rights Commission, mandated to negotiate an International Bill of Human Rights (ECOSOC 1946a, 163–165; ECOSOC 1946b, 400–402).

address to the Conference, President Truman stated that the treaty just approved provided the appropriate foundation for negotiating an international bill of human rights, which should play a role comparable to that of the first ten amendments to the U.S. Constitution within the American legal system.

This appeal was carried out by the newly created Human Rights Commission, which negotiated the text of the Universal Declaration of Human Rights, adopted three years later by the United Nations General Assembly. The remainder of the International Bill of Human Rights—namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and its first Optional Protocol—was adopted only in 1966 and entered into force a decade later (Morsink 1999, 1–4).

The fact that the UN Charter requires respect for human rights while saying virtually nothing about the nature of these prerogatives—combined with the fact that the treaties mentioned above took three decades to enter into force—led the Universal Declaration to be increasingly viewed as an authorized interpretation of the founding document of the United Nations. Under this understanding, the UDHR was attributed, by extension, the binding authority of the San Francisco Charter.

Indeed, this interpretation of the Declaration's role was expressed during the final stages of the 1948 negotiations by the delegates of France, Lebanon, Canada, and South Africa—the latter reluctantly, given its abstention from the General Assembly vote on the UDHR's adoption (Morsink 2022, 8; Glendon 2001, 164–165; Hannum 1996, 330–331; Humphrey 1983, 433–434; Schabas 2013, cxv, 2070, 3070). The same conception was endorsed in several important documents, such as the Montreal Statement, adopted by a world assembly of eminent jurists on the twentieth anniversary of the Declaration, and a resolution of the 66th Conference of the International Law Association, held in Buenos Aires in 1994. This view was also articulated by influential jurists such as René Cassin, Seán MacBride, Mohammad Haleem, Bertrand Ramcharan, Louis Sohn, and John Humphrey (Sohn 1977, 133; Humphrey 1983, 434–435; Hannum 1996, 323, 326; Morsink 1999, 295, 320; Jayawickrama 2017, 34).

Such statements by governments and jurists contribute to consolidating the Universal Declaration, or some of its norms, as part of customary law. At the same time, they reinforce the idea that the UDHR is an authoritative interpretation of the United Nations Charter, a doctrine that may influence the legal reasoning of judges in international courts. But this view does not necessarily—and still less automatically—make the Universal Declaration an organic extension of the Charter.

The role of the UDHR as an authoritative interpretation of the Charter—of which all UN Member States are parties—takes practical effect only if this interpretation is accepted by a majority of judges of an international court responsible for applying treaties, and if these judges use norms of the Declaration to define a state's legal obligations in the absence of any other conventional or customary mandate. This approach is analogous to Article 31(3)(a) of the Vienna Convention on the Law of Treaties, which stipulates that treaty interpretation must take into account "any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty" (United Nations 1969; Jayawickrama 2017, 30).

This is precisely what the International Court of Justice did in the case concerning United States Diplomatic and Consular Staff in Tehran. In its conclusions, the ICJ stated that

> The wrongful deprivation of liberty of human beings and subjecting them to physical constraints in conditions of hardship is incompatible with the principles of the Charter of the United Nations and with the fundamental rights enunciated in the Universal Declaration (ICJ 1980, 43).

Indeed, aside from the Charter's general obligation that States must respect human rights (Arts. 55–56), nowhere does the UN Charter itself state that depriving individuals of their liberty or subjecting them to "conditions of hardship" constitutes a violation of such rights. These specific precepts appear only in Articles 6 and 13 of the Universal Declaration, concerning freedom of movement, and in Article 5, which prohibits torture as well as "cruel, inhuman or degrading treatment or punishment" (United Nations 1948b; United Nations 1980, 91; Lillich 1996, 3–4; Jayawickrama 2017, 32).

Whenever the International Court of Justice attributes mandatory force—implicitly or explicitly—to norms of the Universal Declaration, without characterizing them as customary, there are good reasons to infer, by exclusion, that the ICJ regards the Declaration as an authorized interpretation of the UN Charter and derives from the Charter itself the binding nature it assigns to the relevant UDHR norm.

3. The Declaration and the International Human Rights Regime

The commitment undertaken at San Francisco by most of the founding States of the United Nations—and expressed by Harry Truman—to adopt a

coherent set of human rights under the auspices of the UN Charter (Glendon 2001, 22) began to be implemented when the Economic and Social Council created the Human Rights Commission with the mandate to propose the so-called "International Bill of Human Rights." This commitment was partially fulfilled during the third session of the United Nations General Assembly, when the Universal Declaration was adopted. At the time, it was already clear that more time would be needed to adopt the remainder of the Bill in the form of a legally binding treaty (Humphrey 1983, 423; Morsink 1999, 4).[3]

Another important development occurred in 1951, already in the context of the Cold War, when it became evident that the International Bill of Human Rights would comprise not one, but two separate treaties—in addition to the UDHR. Fifteen years later, the International Covenant on Civil and Political Rights (ICCPR—accompanied by an Optional Protocol), championed by the United States and its allies, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which was the priority of the Soviet Union and its aligned States, were adopted (Schabas 2021, 18).

Substantively, the Universal Declaration served as the principal source of inspiration for both Covenants, which elaborate in more precise legal language the commitments contained in the UDHR (United Nations 2008b, 261; United Nations 1993, 8; Schabas 2013, cxiv). The few significant elements present in the Declaration but not incorporated into the Covenants include the rights to asylum and to property in a broad sense (with the exception of intellectual property, which is protected under the ICESCR). Conversely, the main additions are the right of peoples to self-determination—found in both treaties—and the cultural, religious, and linguistic rights of minorities, guaranteed by the ICCPR.

In addition to the two Covenants, the Universal Declaration also served as the principal source of inspiration for a set of seven agreements addressing specific issues, classified by the UN High Commissioner for Human Rights as the "core" instruments of the universal human rights regime. The oldest of these is the International Convention on the Elimination of All Forms of

3 It is important to note that from the outset, the two 1946 ECOSOC resolutions establishing the Human Rights Commission referred, in their English versions, to an "international bill of rights." This formulation was more precise, as the intention from the beginning was to adopt both a political declaration and a legally binding treaty. The French versions of the resolutions were less explicit, referring simply to a "déclaration internationale des droits." In the General Assembly resolution that adopted the UDHR in 1948, the French text followed the English formulation and was titled "Charte internationale des droits de l'homme." This project was made explicit: in addition to the text of the Declaration, the resolution contained a section mandating the Human Rights Commission to continue its work toward drafting a "pacte international sur les droits de l'homme" (ECOSOC 1946a, 163–165; ECOSOC 1946b, 400–402; United Nations 1948a).

Racial Discrimination (CERD) (United Nations 1965). Initiated in response to a wave of antisemitic incidents and driven by global indignation at the apartheid regime in South Africa, negotiations on this instrument proceeded exceptionally quickly, leading to its adoption in 1965, one year before the Covenants, whose negotiations had begun much earlier.

After a hiatus of nearly fifteen years, the second of these "core" treaties addressing specific themes was the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (United Nations 1979). This was followed by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (United Nations 1984); the Convention on the Rights of the Child (CRC) (United Nations 1989); and the Convention on the Rights of Persons with Disabilities (United Nations 2006a).

The two Covenants and the five other treaties mentioned above enjoy near-universal adherence, having been ratified by more than 170 of the 193 UN Member States.[4] Two notable exceptions among major actors are the United States, which has ratified only the ICCPR, the Convention against Torture, and the CERD; and China, which has not ratified the ICCPR.[5]

Beyond the nearly universal treaties listed above, the remaining two "core" agreements of the regime have received far more limited support. Adopted in 1990, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations 1990) has been ratified or acceded to by only 58 States, all from the developing world. The International Convention for the Protection of All Persons from Enforced Disappearance (United Nations 2006b) has been ratified or acceded to by 69 States, including nearly all countries of Latin America—a region that made this crime widely known during the dictatorships of the latter half of the twentieth century.

Beyond these "core" treaties, several other important agreements adopted by the General Assembly or by specialized agencies of the United Nations make reference to the Universal Declaration and elaborate on some of its aspects (Schabas 2013, cxiv–cxv). Examples include: the Convention Relating to the Status of Refugees (United Nations 1951); ILO Convention No. 105 on the Abolition of Forced Labour (ILO 1957); the UNESCO Convention against Discrimination in Education (United Nations 1960); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

4 With the exception of the International Convention on the Elimination of All Forms of Racial Discrimination, all of the treaties mentioned above have at least one additional protocol.

5 Situation as of July 2025.

(United Nations 1962); the International Convention on the Suppression and Punishment of the Crime of Apartheid (United Nations 1973); and ILO Convention No. 169 concerning Indigenous and Tribal Peoples (ILO 1989).

The production of norms inspired by the Universal Declaration of Human Rights has not ceased within the institutional framework of the United Nations. For example, this is evident in negotiations initiated by Human Rights Council Resolution 26/9 on the "elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights" (Human Rights Council 2014).

In addition to this broad range of treaties within the United Nations system, the Universal Declaration is also a vital source of inspiration for regional human rights regimes. This is the case for the European Convention on Human Rights (Council of Europe 1950) and, consequently, for its fifteen protocols, which establish additional rights or amend the original treaty (Hannum 1996, 302). The same is true of the American Convention on Human Rights (OAS 1969), as well as several other human rights treaties adopted within the Organization of American States. The Universal Declaration likewise informs the African regional system, including the African Charter on Human and Peoples' Rights (AU 1981); the African Charter on the Rights and Welfare of the Child (AU 1990); the African Youth Charter (AU 2006); and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (AU 2009).

4. The Declaration and Domestic Legal Systems

In addition to the considerations above regarding the impact of the Universal Declaration on international law from the perspective of custom, through its direct application as an authoritative interpretation of the UN Charter and its role as a source for an extensive body of multilateral and regional treaties—it is important to examine the incorporation of UDHR norms into domestic legal systems. The aim here is not to provide an exhaustive assessment of the Declaration's influence on the legal architecture of the nearly two hundred sovereign political entities in existence today, but rather to offer some global points of reference and highlight a limited set of significant and representative cases.

What is important to retain from this discussion is that specific norms—or even the entirety of the Declaration's content—are applied as law in the legal systems of nearly half of the United Nations Member States. As shown below,

this may occur through textual incorporation into national constitutions or domestic legislation, or through decisions of national courts that generate case law importing the Declaration's norms into national legislation.

The Universal Declaration served as a model for human rights provisions in roughly ninety national constitutions adopted after 1948 (Duan 2017, 26; Osiatynski 2014, 9; Glendon 2001, 228). A significant number of these constitutions make explicit reference to the Declaration, including those of Argentina; Benin; Burkina Faso; Burundi; Cambodia; Chad; Comoros; Côte d'Ivoire; Spain; Ethiopia; Gabon; Guinea; Equatorial Guinea; Haiti; Malawi; Mali; Mauritania; Nicaragua; Niger; Portugal; Romania; São Tomé and Príncipe; Senegal; Somalia; and Togo (Hannum 1996, 313).[6]

In many countries across all regions, national parliaments have also enacted sub-constitutional legislation incorporating provisions of the Universal Declaration into domestic law. An example is the Mexican law prohibiting torture and cruel, inhuman, or degrading treatment or punishment, inspired by Article 5 of the UDHR. It is also noteworthy that, relying on the UDHR, the Supreme Court of Justice of the Nation—Mexico's highest judicial authority—has held this law to be non-derogable (Gambaraza 2013, 235).

Along similar lines, the Supreme Court of India has repeatedly declared that the country's legal system "echoes" the norms of the Universal Declaration of Human Rights. In a series of judgments, India's highest court has recognized the incorporation into domestic law of most of the rights proclaimed in the Declaration, notably those affirmed in Articles 1 to 13, as well as Articles 17, 19, 22, 25, and 26 (Gambaraza 2013, 181–183).

As mentioned earlier, UDHR norms may also be integrated into national legal systems through judicial decisions, particularly in common-law countries. The United States provides a particularly illustrative example. In the American case, this occurs because (i) the country has ratified very few human rights treaties; (ii) customary international law is in many instances recognized as federal common law; and (iii) several articles of the UDHR are recognized by U.S. courts as part of customary international law. As a result, the U.S. judicial system is the one in which the UDHR is most frequently invoked worldwide. UDHR-based claims are often accepted by U.S. federal courts, leading to the application of the Declaration's norms in numerous domestic cases (Gambaraza 2013, 171–176; Bradley and Goldsmith 1997, 835–836; Cheng 2008, 272, 297–305).

6 The constitutional texts cited were consulted on January 10, 2023, at https://www.constituteproject.org

Conclusion: Law, Ethics, Morality, and Politics in the UDHR and the World Order

As discussed throughout the four sections of this article, an intense and complex relationship has developed over time between the Universal Declaration and the law. First, a significant portion of the UDHR's norms has been recognized as part of customary international law, becoming binding on all states regardless of their ratification of human rights treaties. Second, it has been shown that multilateral and regional courts—including the International Court of Justice—frequently treat provisions of the Declaration as an authoritative interpretation of the UN Charter and, consequently, attribute binding force to them. Third, the UDHR has been seen to lie at the origin of the most elaborate international regime within the United Nations system, comprising more than a dozen treaties, many of which have been ratified almost universally; and it has also served as one of the principal sources of inspiration for regional human rights regimes in Africa, the Americas, and Europe. Finally, the preceding discussions demonstrated that several rights enunciated by the Declaration have been incorporated into constitutions and sub-constitutional legislation in most contemporary States, and that many UDHR norms are applied directly by national courts, including in populous and influential countries such as India and the United States.

From a broader perspective—including the elements presented in the previous article of this series—the moral and ethical dimensions of human rights combine with their legal dimension, reinforcing the impact of the Universal Declaration on the political behavior of major actors and on the configuration of the contemporary world order.[7] The mutually reinforcing relationship among these four dimensions of the values and norms associated with human rights—moral, ethical, legal, and political—which predate the UDHR and are consolidated in it, is well illustrated by the historical trajectory of the ideal of racial equality since the early twentieth century.

The first major milestone in this process was Japan's proposal at the 1919 Paris Peace Conference to include in the Covenant of the League of Nations a provision affirming racial equality. The so-called "racial equality clause" received eleven votes in favor (including Brazil's), with six abstentions

7 Drawing on the theoretical tradition of the English School of international relations, the concept of "world order" is understood here as "the conjunction of states and their reciprocal relations; international institutions and regimes; social movements; non-governmental organizations; and private collective actors with significant influence over the promotion and protection of the most important goals of collective life at the global level" (Buzan 2004, 96).

from countries opposed to it that nevertheless chose not to vote (notably the United States and Australia) in the committee handling the issue. Despite this clear majority, the proposal was rejected by the committee's chair, Woodrow Wilson, who argued that the amendment required unanimous approval, which had not been achieved. As a result, the Japanese proposal was defeated, and the position of the major powers prevailed. This was despite the evidently ad hoc nature of the U.S. president's procedural objection—a requirement not applied in two other motions of interest to the United States previously adopted by vote—and despite protests from numerous delegations and civil society representatives (Lauren 2018, 93–98).

A similar proposal was put forward by China during the preliminary negotiations on the UN Charter at the 1944 Dumbarton Oaks Conference, but it was rejected by the United Kingdom, the United States, and the USSR. Despite this initial setback, the issue remained a priority for various states and social movements and organizations. Significant in this regard was the Inter-American Conference of Chapultepec in early 1945, which adopted a resolution condemning racial discrimination and exerted significant influence on the drafting of the UN Charter at the San Francisco Conference, where Latin American states acted in a coordinated manner as the largest regional group present. Governments from the region joined forces with other delegations, notably from China, India (still part of the British Empire), the Philippines, Iraq, Egypt, Liberia, Ethiopia, France, and the Soviet Union (which had shifted its previously hostile stance toward human rights), as well as with influential social organizations, and succeeded in including affirmations of racial equality in several parts of the Charter (Arts. 1, 13, 55, and 76) (Lauren 2018, 150–157).

Three years later, the Universal Declaration of Human Rights developed these principles into a set of more precise and comprehensive norms, reaffirming and promoting racial equality and proscribing all forms of discrimination (Arts. 1, 2, 7, 23, and 26). This growing consensus was further reinforced with the adoption, in 1965, of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the first human rights treaty under the UN system.

This trajectory illustrates the evolution of the value of racial equality and its incorporation into a wide array of moral, ethical, and legal norms, as well as into the political objectives of the great majority of actors in the post-World War II world order. Following the failure in Paris in 1919, racial equality was later incorporated into several legal norms of the 1945 UN Charter; recognized as a universal moral principle in the broad set of norms

enshrined in the UDHR in 1948; given deeper legal protection in the normative framework of CERD in 1965; integrated into the ethical repertoires of most contemporary societies, with the motivational force that this entails; and adopted as a political objective by most relevant actors in the world order.

This sequence and mutual reinforcement of the moral, ethical, legal, and political dimensions of practical reason was decisive, for example, in the overthrow of the apartheid regime in South Africa. This process involved a wide range of actions: spontaneous commercial boycotts; the country's stigmatization and exclusion from the Olympic Games and the FIFA World Cup; political isolation—first among developing countries and later even by Pretoria's traditional supporters, such as the United States and the United Kingdom; and legally binding sanctions imposed by the UN Security Council (Lauren 2018, 272–280).

Needless to say, racial discrimination remains a scourge in many societies, and the promotion and protection of other fundamental values recognized by the Universal Declaration, such as freedom and democracy, face analogous, if not more serious, challenges. Yet it must be acknowledged that, by 2025, these values are far more widely recognized, protected, and respected than in 1919, when most of the world's population lived under colonial or semi-colonial domination, regarded as biologically inferior and deprived of political rights and much of what is today understood as freedom.

Any honest assessment of the contemporary world order—and what it was a century or even fifty years ago—must recognize that moral progress has occurred. Despite frequent setbacks, this progress owes much to a growing consensus around values and norms grouped in ethical conceptions that, through increasing interaction with other worldviews, have undergone a significant process of universalization. These gradually converging ethical perspectives and the regulative moral ideal toward which they point have become increasingly embedded in national laws as well as in regional and universal legal regimes. The history of the Universal Declaration of Human Rights—from its remote antecedents in the founding texts of the seventeenth and eighteenth centuries in England, France, and the United States; through UNESCO's consultations with Mahatma Gandhi and other intellectuals and political leaders around the globe; to its adoption in 1948 and the inspiration it provided for Brazil's post-dictatorship Constitution four decades later—illustrates how ethical, moral, and legal values and norms shape political choices and help mold the world order.

References

African Union (AU). African Court on Human and Peoples' Rights (AfCHPR). 2015a. *Thobias Mang'ara Mango and Shukurani Masegenya Mango v. United Republic of Tanzania*. Application 005/2015, 10. https://africanlii.org/afu/judgment/african-court/2018/8. Accessed January 7, 2023.

African Union (AU). African Court on Human and Peoples' Rights (AfCHPR). 2015b. *Ally Rajabu and Others v. United Republic of Tanzania*. Application 007/2015, 32. https://africanlii.org/afu/judgment/african-court/2019/7. Accessed January 7, 2023.

African Union (AU). African Court on Human and Peoples' Rights (AfCHPR). 2015c. *Robert John Penessis v. United Republic of Tanzania*. Application 015/2015, 22. https://africanlii.org/afu/judgment/african-court/2019/8. Accessed January 7, 2023.

African Union (AU). 1981. *Carta Africana dos Direitos Humanos e dos Povos*. http://www.servicos.minjusdh.gov.ao/files/publicacoes/brochuras/cartaafricana.pdf. Accessed July 26, 2025.

African Union (AU). 1990. *Carta Africana sobre os Direitos e Bem Estar da Criança*. http://www.servicos.minjusdh.gov.ao/files/publicacoes/brochuras/cartaafricana.pdf. Accessed July 26, 2025.

African Union (AU). 2006. *Carta Africana da Juventude*. https://au.int/sites/default/files/treaties/7789-treaty-0033_-_african_youth_charter_p.pdf. Accessed July 26, 2025.

African Union (AU). 2009. *Convenção da União Africana sobre a Proteção e Assistência às Pessoas Deslocadas Internamente em África*. https://au.int/sites/default/files/treaties/36846-treaty-0039_-_kampala_convention_african_union_convention_for_the_protection_and_assistance_of_internally_displaced_persons_in_africa_p.pdf. Accessed July 26, 2025.

Bradley, Curtis A., and Jack L. Goldsmith. 1997. "Customary International Law as Federal Common Law: A Critique of the Modern Position." *Harvard Law Review* 110 (4).

Buzan, Barry. 2004. *From International to World Society?* Cambridge University Press.

Cabral, Marco Tulio Scarpelli. 2024. "Declaração Universal dos Direitos Humanos: Dimensões Ética, Moral e Política." *Cadernos de Política Exterior* 15: 117–48.

Cheng, Tai-Heng. 2008. "The Universal Declaration of Human Rights at Sixty: Is It Still Right for the United States?" *Cornell International Law Journal* 41.

Council of Europe (COE). 1950. *Convention for the Protection of Human Rights and Fundamental Freedoms*. https://www.echr.coe.int/documents/d/echr/convention_ENG. Accessed July 26, 2025.

Duan, Fengyu. 2017. "The Universal Declaration of Human Rights and the Modern History of Human Rights." SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3066882. Accessed March 6, 2023.

Gambaraza, Marc. 2013. *Le statut juridique de la Déclaration universelle des droits de l'Homme*. Doctoral thesis, Université Panthéon-Assas.

Glendon, Mary Ann. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House.

Hannum, Hurst. 1996. "The Status of the Universal Declaration of Human Rights in National and International Law." *Georgia Journal of International and Comparative Law* 25.

Henkin, Louis. 1996. "Human Rights and State 'Sovereignty.'" *Georgia Journal of International and Comparative Law* 25.

Honneth, Axel. 2003. "Redistribution as Recognition: A Response to Nancy Fraser." In *Redistribution or Recognition? A Political-Philosophical Exchange*, edited by Nancy Fraser and Axel Honneth. Verso.

Humphrey, John P. 1989. "The Dean That Never Was." *McGill Law Journal* 34 (2).

Humphrey, John P. 1983. "The Memoirs of John P. Humphrey, the First Director of the United Nations Division of Human Rights." *Human Rights Quarterly* 5.

International Labour Organization (ILO). 1944. *Declaration Concerning the Aims and Purposes of the International Labour Organisation*.

International Labour Organization (ILO). 1957. *Convention 105 Concerning the Abolition of Forced Labour*. https://web.archive.org/web/20131029200949/http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:0:NO:12100:P12100_ILO_CODE:C105. Accessed July 24, 2025.

International Labour Organization (ILO). 1989. *Convention 169 on Indigenous and Tribal Peoples*. https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document. Accessed July 24, 2025.

Jayawickrama, Nihal. 2017. *The Judicial Application of Human Rights Law: National, Regional and International Jurisprudence*. Cambridge University Press.

Korey, William. 2001. *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine*. Palgrave.

Lauren, Paul Gordon. 2018. *Power and Prejudice: The Politics and Diplomacy of Racial Discrimination*. Routledge.

League of Nations. 1920. *Statute of the Permanent Court of International Justice*. https://www.icj-cij.org/files/permanent-court-of-international-justice/serie_D/D_01_1e_edition.pdf#page=13. Accessed July 6, 2025.

Lillich, Richard B. 1996. "The Growing Importance of Customary International Human Rights Law." *Georgia Journal of International and Comparative Law* 25.

Morsink, Johannes. 1999. *The Universal Declaration of Human Rights: Origins, Drafting and Intent*. University of Pennsylvania Press.

Morsink, Johannes. 2022. *Article by Article: The Universal Declaration of Human Rights for a New Generation*. University of Pennsylvania Press.

Oraá, Jaime. 1997. "The Protection of Human Rights in Emergency Situations under Customary International Law." In *Human Rights and the Functioning of the Democratic Institutions in Emergency Situations*, edited by Council of Europe. Council of Europe Publishing.

Organização dos Estados Americanos (OEA). 1969. *Convenção Americana sobre Direitos Humanos*. https://www.cidh.oas.org/basicos/portugues/c.convencao_americana.htm. Accessed July 26, 2025.

Osiatynski, Wiktor. 2016. "On the Universality of the Universal Declaration." In *Challenges in International Human Rights Law, Volume III*, edited by Menno T. Kamminga. Routledge.

Ramcharan, Bertrand G. 2013. "The Law-Making Process: From Declaration to Treaty to Custom to Prevention." In *The Oxford Handbook of International Human Rights Law*, edited by Dinah Shelton. Oxford University Press.

Republic of China, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America. 1942. *Declaration by United Nations*.

Schabas, William A. 2021. *The Customary International Law of Human Rights*. Oxford University Press.

Schabas, William A. 2013. *The Universal Declaration of Human Rights: The Travaux Préparatoires*. Cambridge University Press.

Shelton, Dinah. 2013. *The Oxford Handbook of International Human Rights Law*. Oxford University Press.

Sohn, Louis B. 1977. "The Human Rights Law of the Charter." *Texas International Law Journal*.

United Nations (UN). 1968. *The Tehran Proclamation*. https://legal.un.org/avl/pdf/ha/fatchr/final_act_of_tehranconf.pdf. Accessed July 12, 2025.

United Nations (UN). 1984. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. https://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf. Accessed June 13, 2024.

United Nations (UN). 1989. *Convention on the Rights of the Child*. https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf. Accessed June 13, 2024.

United Nations (UN). 1990. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. https://www.ohchr.org/sites/default/files/cmw.pdf. Accessed June 18, 2024.

United Nations (UN). 2006a. *Convention on the Rights of Persons with Disabilities*. https://digitallibrary.un.org/record/587650?ln=en&v=pdf. Accessed June 12, 2024.

United Nations (UN). 2006b. *International Convention for the Protection of All Persons from Enforced Disappearance*. https://www.ohchr.org/sites/default/files/disappearance-convention.pdf. Accessed June 18, 2024.

United Nations (UN). Economic and Social Council (ECOSOC). 1946a. *Résolution 1/5 Commission des droits de l'homme et Sous-Commission de la condition de la femme*. https://digitallibrary.un.org/record/3845514/files/E_2ndsess-_Resolutions-FR.pdf?ln=en. Accessed March 9, 2023.

United Nations (UN). Economic and Social Council (ECOSOC). 1946b. *Résolution 2/9 Commission des droits de l'homme*. https://digitallibrary.un.org/record/3845514/files/E_2ndsess-_Resolutions-FR.pdf?ln=en. Accessed March 9, 2023.

United Nations (UN). 1951. *Convention relating to the Status of Refugees*. https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees. Accessed July 24, 2025.

United Nations (UN). UNESCO. 1960. *Convention against Discrimination in Education*. https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education. Accessed July 24, 2025.

United Nations (UN). 1962. *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-consent-marriage-minimum-age-marriage-and. Accessed July 25, 2025.

United Nations (UN). 1973. *International Convention on the Suppression and Punishment of the Crime of Apartheid*. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf. Accessed July 25, 2025.

United Nations (UN). General Assembly. 1948a. *Résolution 217 (III), Charte internationale des droits de l'homme*. https://undocs.org/fr/A/RES/217(III). Accessed August 2, 2020.

United Nations (UN). Human Rights Committee. 2008a. *Observation générale nº 24 (1994)*. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/422/36/PDF/G0842236.pdf?OpenElement. Accessed March 4, 2023.

United Nations (UN). Human Rights Committee. 2008b. *Observation générale nº 26 (1997)*. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/422/36/PDF/G0842236.pdf?OpenElement. Accessed March 4, 2023.

United Nations (UN). Human Rights Council. 2007. *Resolution 5/1: Institution-building of the United Nations Human Rights Council*. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/135/59/PDF/G0713559.pdf?OpenElement. Accessed March 5, 2023.

United Nations (UN). Human Rights Council. 2014. *Resolution 26/9. Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights* (A/HRC/26/9). https://docs.un.org/A/HRC/res/26/9. Accessed July 25, 2025.

United Nations (UN). International Court of Justice (ICJ). 1970. *Affaire de la Barcelona Traction, Light and Power Company, Limited (Belgique c. Espagne)*. https://www.icj-cij.org/sites/default/files/case-related/50/050-19700205-JUD-01-00-FR.pdf. Accessed January 8, 2023.

United Nations (UN). International Court of Justice (ICJ). 1980. *Affaire relative au personnel diplomatique et consulaire des États-Unis à Téhéran*. https://www.icj-cij.org/sites/default/files/case-related/64/6292.pdf. Accessed January 8, 2023.

United Nations (UN). International Court of Justice (ICJ). 2006. *Affaire des activités armées sur le territoire du Congo*. https://www.icj-cij.org/sites/default/files/case-related/126/126-20060203-JUD-01-00-FR.pdf. Accessed January 8, 2023.

United Nations (UN). International Court of Justice (ICJ). 2012. *Questions concernant l'obligation de poursuivre ou d'extrader*. https://www.icj-cij.org/sites/default/files/case-related/144/17087.pdf. Accessed January 8, 2023.

United Nations (UN). 1945. *Statute of the International Court of Justice*. https://www.icj-cij.org/statute. Accessed July 6, 2025.

United Nations (UN). 1948b. *Universal Declaration of Human Rights*. https://www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed June 13, 2024.

United Nations (UN). 1965. *International Convention on the Elimination of All Forms of Racial Discrimination*. https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cerd.pdf. Accessed June 18, 2024.

United Nations (UN). 1979. *Convention on the Elimination of All Forms of Discrimination against Women*. https://digitallibrary.un.org/record/10649?ln=en&v=pdf. Accessed June 12, 2024.

United Nations (UN). 1969. *Vienna Convention on the Law of Treaties*. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf. Accessed July 17, 2025.

United Nations (UN). 1993. *Vienna Declaration and Programme of Action*. https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/vienna.pdf. Accessed June 12, 2024.

FROM RIO TO JOHANNESBURG: PRINCIPLES, PATHWAYS, AND CHALLENGES FOR FINANCING THE BIOECONOMY IN THE G20

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Abstract

The bioeconomy entered the G20 agenda under the Brazilian presidency in 2024, appearing in the Rio Leaders' Declaration, the G20 Bioeconomy Initiative (GIB), and the Sustainable Finance Working Group (SFWG). Its inclusion marks a political advance by repositioning sustainable development as the central axis of the global economic agenda, in the context of the low-carbon transition and the renewal of multilateralism. This study analyzes the trajectory of the bioeconomy in the G20, from its formulation to the challenges of implementation, exploring its intersection with climate finance. Based on the High-Level Principles on Bioeconomy (G20 2024a),[2] the paper discusses its application, conceptual evolution, and financial and political mechanisms for implementation. It also examines multilateral milestones between 2024 and 2025—such as G20, FfD4, IMF, World Bank, Finance in Common, and COP30—to assess the legacy of this cycle for climate governance and South-South cooperation.

Keywords: Bioeconomy. Climate finance. G20. Climate governance. Nature-based solutions.

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DO RIO A JOANESBURGO: PRINCÍPIOS, CAMINHOS E DESAFIOS PARA O FINANCIAMENTO DA BIOECONOMIA NO G20

Resumo

A bioeconomia entrou na pauta do G20 sob a presidência brasileira em 2024, figurando na Declaração de Líderes do Rio – na Iniciativa de Bioeconomia do G20 (GIB) e na Força-Tarefa de Financiamento Sustentável (SFWG). Sua inclusão marca um avanço político ao reposicionar o desenvolvimento sustentável como eixo central da agenda econômica global, no contexto da transição de baixo carbono e da renovação do multilateralismo. Este estudo analisa a trajetória da bioeconomia no G20, desde sua formulação até os desafios de implementação, explorando sua interseção com o financiamento climático. A partir dos Princípios de Alto Nível sobre Bioeconomia (G20, 2024a), discute-se sua aplicação, evolução conceitual e mecanismos financeiros e políticos de execução. Examina-se ainda marcos multilaterais entre 2024 e 2025 – como G20, FfD4, FMI, Banco Mundial, Finance in Common e COP30 – para avaliar o legado deste ciclo para a governança climática e a cooperação Sul–Sul.

Palavras-chave: Bioeconomia. Financiamento climático. G20. Governança climática. Soluções Baseadas na Natureza.

DE RÍO A JOHANNESBURGO: PRINCIPIOS, CAMINOS Y RETOS PARA LA FINANCIACIÓN DE LA BIOECONOMÍA EN EL G20

Resumen

La bioeconomía entró en la agenda del G20 bajo la presidencia brasileña en 2024, figurando en la Declaración de Líderes de Río, en la Iniciativa de Bioeconomía del G20 (GIB) y en el Grupo de Trabajo sobre Financiación Sostenible (SFWG). Su inclusión supone un avance político al reposicionar el desarrollo sostenible como eje central de la agenda económica mundial, en el contexto de la transición hacia una economía baja en carbono y la renovación del multilateralismo. Este estudio analiza la trayectoria de la bioeconomía en el G20, desde su formulación hasta los retos de su implementación, explorando su intersección con la financiación climática. A partir de los Principios de Alto Nivel sobre Bioeconomía (G20, 2024a), se discute su aplicación, evolución conceptual y mecanismos financieros y políticos de ejecución. También se examinan los marcos multilaterales entre 2024 y 2025 —— como el G20, FfD4, FMI, Banco Mundial, Finance in Common y COP30 —— para evaluar el legado de este ciclo para la gobernanza climática y la cooperación Sur-Sur.

Palabras clave: Bioeconomía. Financiación climática. G20. Gobernanza climática. Soluciones basadas en la naturaleza.

I. The Bioeconomy in the G20

The Group of Twenty (G20) was created in 1999 with the aim of coordinating economic and financial policies among the world's leading economies, in response to systemic risks to global stability. This role became even more salient in the context of the 2008 financial crisis, when governments—most notably in the United States (Herszenhorn 2008) and the European Union (Walker 2018)—were compelled to intervene directly in the financial system through large-scale rescue operations of banking conglomerates, in order to prevent a deeper economic collapse.

The crisis triggered a wave of regulatory reforms, such as the Dodd–Frank Act in the United States (CFTC), as well as broader international banking reforms under the Basel III framework (BIS), which sought to enhance transparency and strengthen accountability among capital market actors and financial institutions. Similar measures were adopted across multiple jurisdictions, developments that reinforced the role of the G20 in multilateral economic governance and elevated the forum to the level of Heads of State and Government (G20 2025).

With respect to the focus of this article, however, it was during the 2024 G20, under Brazil's presidency, that the bioeconomy was introduced for the first time in a structured manner into the Group's agenda (Furtado 2024)—not merely as an environmental issue, but as a strategic response to multiple planetary crises, with direct implications for democracy, wealth generation, and economic stability itself. Indeed, the linkages between financial risks and those associated with climate change and biodiversity loss have increasingly been the subject of discussions within the Bank for International Settlements (BIS 2021; BIS 2023) and the International Organization of Securities Commissions (IOSCO 2024).

From this perspective, and under the premise that a new economy is required—one not only aligned with traditional financial criteria, but also attuned to the rhythms of nature, the regeneration of natural resources, and the central role of local communities—the bioeconomy has emerged as an integrative concept. Although initially abstract, the term has come to encapsulate diverse aspirations for a regenerative, inclusive, and sustainable economic model.

II. Bioeconomy across the Sherpa and Finance Tracks

With the incorporation of the bioeconomy into the G20 agenda in 2024, the issue gained prominence across both the Sherpa Track—linked to diplomatic coordination—and the Finance Track, cutting transversally across the themes of sustainability, innovation, inclusion, and financing.

Launched by the Brazilian government and led by the Ministry of Foreign Affairs within the Sherpa Track, in coordination with other ministries, the G20 Bioeconomy Initiative (GIB) benefited from strong participation by civil society, governments, and the private sector. This broad engagement facilitated dialogue with other G20 member countries and organizations (Furtado, 2024).

In line with the objectives set out at the launch of the initiative, the GIB successfully delivered the High-Level Principles on Bioeconomy (G20, 2024a), which consolidated the group's shared vision of the bioeconomy as a strategic vector for sustainable development. These principles are aligned with the Sustainable Development Goals (SDGs), the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC), and the Convention on Biological Diversity (CBD). Their significance lies in providing both a point of departure and a roadmap for advancing the bioeconomy agenda, while respecting the sovereignty and specific national contexts of each member.

In parallel, within the Finance Track—led by the Ministry of Finance—the Sustainable Finance Working Group (SFWG), co-chaired by Brazil and the United States, addressed the bioeconomy indirectly through its work on financing Nature-Based Solutions (NbS) and mechanisms to support the ecological transition. Although not a primary focus, the bioeconomy featured in technical documents with the potential to generate tangible outcomes in resource mobilization.

The group discussed four priority areas:

1. Optimization of the operations of international environmental and climate funds to scale up sustainable finance;
2. Advancement of credible, robust, and just transition plans;
3. Assessment of the challenges associated with implementing sustainability reporting standards, including for small and medium-sized enterprises (SMEs) and emerging market and developing economies (EMDEs);
4. Financing of Nature-Based Solutions (NbS).

While these priorities are interconnected, the axis focused on NbS financing proved most directly related to the bioeconomy. The G20 SFWG 2024 explored innovative financial instruments, applied on a voluntary and case-by-case basis, such as blended finance, debt-for-nature swaps, and guarantees, with the aim of expanding private sector participation. The underlying premise was that such initiatives can generate sustainable economic and environmental outcomes, particularly in EMDEs (G20 2024b).

The strategy also included the identification of barriers that constrain the scale and effectiveness of financing, with a view to creating a more enabling environment for investments in NbS. The corresponding report presented twelve case studies across key areas (Toolbox of Nature-Based Solutions—CPI 2024): conservation, restoration, bioeconomy, agroforestry, and marine ecosystem management. Although not exclusively dedicated to the bioeconomy, many of these examples are applicable to the field, and vice versa. The objective was to disseminate exemplary strategies among private investors, development finance institutions, vertical funds, policymakers, and other relevant stakeholders (G20 2024b).

In this context, the SFWG, in its third recommendation and drawing on the aforementioned case studies, suggests that investors—particularly development finance institutions—should consider deploying a broad range of instruments, such as risk-sharing mechanisms, grants, and equity, to mitigate the risks and specific characteristics associated with NbS investments. Well-designed and carefully managed guarantees can have a catalytic effect in attracting private capital to NbS (G20 2024b).

Rather than overlapping, the contributions of the two tracks are complementary and mutually reinforcing, representing an unprecedented step in broadening the scope of the G20's economic agenda. This articulation strengthens territorial strategies that promote the sustainable use of biodiversity—particularly in megadiverse and developing countries—while creating the political and institutional momentum required for the advancement of the bioeconomy.

III. From Principles to Concept

Endorsed by the 2024 G20 Leaders' Declaration (G20, 2024c), the *High-Level Principles on Bioeconomy* initiated a structured international debate on this innovative and complementary productive paradigm. Comprising ten voluntary and non-binding principles, the document establishes guiding

parameters for activities considered part of the bioeconomy, offering a shared reference framework among countries with diverse socioeconomic and environmental contexts.

The principles adopted are as follows:

1. Integrate and promote *sustainable development* across its economic, social and environmental dimensions, contribute to eradicating *hunger and poverty* and improving health and well-being, whilst ensuring global *food security and nutrition*;
2. Be *inclusive and equitable*, uphold the rights of all persons, including Indigenous Peoples and members of local communities, promote gender equality and the participation of all stakeholders;
3. Advance *mitigation and adaptation efforts against global climate change*, in line with applicable multilateral climate agreements;
4. Contribute to the conservation of *biodiversity*, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, subject to national laws and in line with applicable international agreements and instruments;
5. Promote *sustainable consumption and production* patterns and the efficient and circular use of biological resources, whilst promoting *the restoration and regeneration of degraded areas and ecosystems*;
6. Be developed through safe, secure and responsible use of *science, technology, innovation and traditional knowledge*, with potential benefits, risks and impacts assessed scientifically;
7. Benefit from *robust and coherent policy frameworks* that foster trade for bioeconomy products and services, market conditions, sustainable business models, decent jobs, local value creation and private sector and civil society participation;
8. Utilize transparent, comparable, measurable, inclusive, science-based and context-specific *criteria and methodologies* to assess their sustainability throughout the value chains;
9. Be fostered by *international collaboration and cooperation* that addresses global challenges, leverages complementary strengths, innovation and entrepreneurship and promotes financing, capacity building and sharing of best practices;
10. Be based on *country-specific* approaches and implemented in line with national priorities and regional and local circumstances.

To facilitate visualization, each principle described in the official document was condensed into keywords and grouped into two main clusters:

Table 1. Classification of the High-Level Principles

Criteria Principles ***help define what constitutes the bioeconomy***	**Implementation Principles** ***guide the operationalization of the bioeconomy***
sustainable development	science, technology, and traditional knowledge
inclusion and equity	enabling environments and green jobs
climate	metrics and transparency
biodiversity and benefit sharing	international cooperation
circular economy and restoration	national and contextual approaches

Source: table prepared by the author based on the document *High-Level Principles on Bioeconomy*.

This functional classification is intended solely to facilitate the alignment of policies, projects, and financial instruments with the principles in terms of compliance and applicability. It should be emphasized, however, that this division is neither exhaustive nor intended as the only possible framework. In practice, certain principles may be interpreted both as defining criteria and as elements of implementation.

It is evident that the High-Level Principles intersect substantially with the Sustainable Development Goals (SDGs), the targets of the Global Biodiversity Framework (GBF), and provisions of the Paris Agreement, including those related to Nature-Based Solutions (NbS)—particularly with regard to climate action, adaptation, transparency, and just transition. Their value, however, does not lie in the creation of new criteria or an additional set of principles, but rather in the transversal articulation of already consolidated commitments, functioning as a vector of coherence and strategic continuity within the multilateral arena.

The bioeconomy, as articulated in the High-Level Principles, is not limited to conservation, restoration, or mitigation actions. Based on the research conducted, the author argues that its scope is broader and fundamentally economic, encompassing productive value chains (such as food, cosmetics, pharmaceuticals, biofuels, and biotechnology), industrial policies, science, and sustainable finance. Its emphasis lies both in the valorization of biodiversity and in the generation of sustainable socioeconomic opportunities.

IV. Conceptualization: Existing Concepts in the Literature

While the adoption of the *High-Level Principles on Bioeconomy* represents an important political advance, a gap remains between discourse and the definition of concrete means of implementation. Although the term bioeconomy has been in use for more than two decades, there is still considerable controversy regarding what it encompasses and, implicitly, what it excludes (Nature Finance 2024). This ambiguity reflects one of the G20's central tensions: the forum's intergovernmental and non-binding nature allows for meaningful discursive advances, yet limits the effectiveness of decisions when their implementation depends on the political will and institutional capacity of member countries.

Advocating for a clear concept is essential to enable implementation strategies, as well as the measurement and evaluation of progress. Without such clarity, commitments tend to become vague or open to interpretation, undermining consistent responses to multiple global crises.

Nature Finance presents the concept of bioeconomy in a spectrum of three interdependent segments (Nature Finance, 2024):

- *Nature-Intensive Bioeconomy*: primary production and the use of biological resources, such as agriculture, forestry, and fisheries. This segment emphasizes the direct use of natural resources to produce food, fibers, construction materials, energy, and fuels through traditional practices. It is closely linked to the concept of the socio-bioeconomy;
- *Advanced Bioeconomy*: renewable energy and fuels derived from biological sources, biorefineries based on forest and agricultural products, and sustainable agricultural and forestry systems;
- *High-Tech Bioeconomy*: focused on synthetic biology, genomics, and bioinformatics, producing high value-added outputs, with strong investment in research and development (R&D) and the use of technologies such as remote sensing, artificial intelligence, and geospatial modeling to optimize land management.

The Climate Policy Initiative (Brasil-Leigh et al. 2024), reinforcing the organization's earlier perspective from 2022, classifies the bioeconomy into three complementary visions—biotechnological, bio-resource-based, and bioecological—with the aim of organizing narratives, strategies, governance structures, and regulatory frameworks:

- *Bioecological vision*: focused on biodiversity conservation and its sustainable use;

- *Bio-resource vision:* promotes the production and processing of biomass as a substitute for fossil-based raw materials;
- *Biotechnology vision*: emphasizes innovation and the commercialization of biotechnology-derived products.

Although there is no full consensus in the literature, it is common to conceptualize the bioeconomy around three core elements—biodiversity, biomass, and technology—encompassing multiple sectors, as reflected in the approaches adopted by these organizations. This framing was also echoed during the Preparatory Meeting for the G20 Bioeconomy Initiative (GIB) (G20 2024d).

Beyond the conceptualizations proposed by organizations engaged in the topic, Brazil's Decree No. 12,044 of June 2024 established the National Bioeconomy Strategy and introduced, in Article 2, a legal concept to be applied domestically:

> [For the purposes of this Decree, the bioeconomy is understood] as a model of productive and economic development that is fair, ethical, and inclusive, generating products, processes, and services efficiently, based on sustainable use, regeneration, and conservation of biological diversity, guided by scientific and traditional knowledge, its innovations, and technologies, aiming for value addition, job and income generation, sustainability, and climate balance

We also concluded, upon reviewing the normative text, that this definition, along with its guidelines and objectives, is closely aligned with the framework established under the *High-Level Principles on Bioeconomy*.

This normative concept engages directly with the High-Level Principles, reflecting similar guidelines and objectives, while also incorporating perspectives advanced by different organizations and establishing a set of principles that functions as an interpretative matrix.

A comparable exercise was undertaken by the International Union for Conservation of Nature (IUCN) in defining Nature-Based Solutions (NbS) and formulating principles to be applied alongside that definition (IUCN). A similar approach could be applied to the construction of a bioeconomy concept. One caveat is that this article deliberately adopts the term concept rather than definition, precisely because it allows for greater breadth and flexibility.

Thus, Brazil has developed a concept aligned with its national objectives and realities, but which can also serve as a reference for other G20 countries to develop their own concepts following a similar logic.

V. From Conceptualization to Implementation

The operationalization of the High-Level Principles on Bioeconomy and of the conceptual framework presented herein requires their translation into concrete instruments capable of guiding public policies, financing strategies, and mechanisms of environmental and social governance.

This transition demands not only political will, but also institutional capacity, international coordination, and the technical design of solutions adaptable to diverse contexts—as already anticipated in the High-Level Principles, particularly those referred to here as implementation principles. By its very nature, the bioeconomy is multidimensional and therefore calls for intersectoral and multiscalar approaches that bring together governments, the private sector, civil society, and local communities in the co-construction of policies and projects.

In this regard, the contribution of this article—specifically with respect to the design of the bioeconomy concept—lies in offering suggestions on how to strengthen the bioeconomy agenda as a new economic vision, in which public policy, science, and finance serve as its core instruments.

International Scope

Between the Rio de Janeiro G20 (2024) and the Johannesburg G20 (2025), a strategic diplomatic window emerged to consolidate the bioeconomy as an integrating axis linking climate, biodiversity, and development.

To this end, documents and agendas from the Finance in Common Summit (FiCS), the Presidential Letters of COP30 (Belém), and the Spring Meetings of the International Monetary Fund (IMF) and the World Bank were analyzed. Official communiqués, presidential letters, programs and meeting records were taken into account, as well as, where relevant, side events.

Table 2. Summary of the Main Fora Related to the Topic

FiCS 2025 (Cape Town)	The FiCS 2025 Final Communiqué does not explicitly mention the term bioeconomy (FiCS, 2025). However, the FiCS contribution report to the Fourth International Conference on Financing for Development (FfD4) makes direct reference to "Nature-Based Solutions and Bioeconomy" within the framework of Brazil's Investment Platform for Climate and Ecological Transformation (Plataforma Brasil de Investimentos Climáticos e para a Transformação Ecológica – BIP). In this sense, the bioeconomy entered FiCS technical inputs to the FfD4, even though it was not reflected in the final communiqué (FiCS 2025).
COP30—Presidential Letters	The first Presidential Letter (10 March) refers to bioeconomy opportunities related to local livelihoods and climate resilience (COP30 2025). The fourth Presidential Letter (20 June) includes "bioeconomy and biotechnology" among the Presidency's focus areas, assigning them a cross-cutting role within the agenda (COP30 2025).
World Bank/IMF Spring Meetings	Brown-Bag session titled "Fostering an Innovative Bioeconomy" (24 March, World Bank), which discussed the concept of bioeconomy, enabling conditions, and ways in which the World Bank can support countries in its implementation (World Bank 2025). The session also presented a report on the bioeconomy in Paraguay (World Bank 2024).
UN Climate Meetings— Bonn (June)	Side event titled "*Beware of a Bioeconomy Gateway to Big Biomass Energy*", which offered a critical discussion of bioeconomy pathways and the risks associated with bioenergy production through biomass combustion (EPN 2025).
London Climate Action Week (June)	"From Glasgow to Belém: A Public–Private Dialogue to Foster the Bioeconomy"—a high-level dialogue on promoting the bioeconomy in the context of COP30 (LCAW, 2025). "From Risk to Resilience: Financing the Bioeconomy – Climate Transition"—a dedicated session on bioeconomy finance (LCAW, 2025).

Source: Table prepared by the author based on the specific sources cited for each item.

Based on the research conducted on the bioeconomy, it is evident that, during the period analyzed, the issue's international visibility remained relatively limited within COP30 diplomacy and found its main avenues of development in parallel policy and finance spaces. By contrast, the official communiqués of the major conferences—namely the Fourth International Conference on Financing for Development (FfD4), the Finance in Common Summit (FiCS), and the G20 Meeting of Finance Ministers and Central Bank Governors—did not address the bioeconomy directly or relied on adjacent framings, without the consistent use of the term in their core documents.

National Scope:

At the national level, the development of the bioeconomy in Brazil gained momentum with the adoption of the National Bioeconomy Strategy (Decree No. 12,044/2024), which established specific objectives, guidelines, and governance arrangements. This framework internalizes the agenda inaugurated within the G20 and positions the bioeconomy as a vector for low-carbon and climate-resilient development.

In 2025, structuring debates advanced around the Brazilian Sustainable Taxonomy, which are essential for defining eligibility criteria and guiding credit allocation and capital markets—particularly in relation to land use, Nature-Based Solutions (NbS), and bioeconomic value chains. In parallel, the regulation of the carbon market and the design of the International Tropical Forests Fund add financial mechanisms capable of generating complementary cash flows for bioeconomy-related activities.

Within the realm of complementary public policies, key initiatives include the Future Fuels Law (Lei do Combustível do Futuro), the National Productive Forests Program, and the National Food Supply Policy, all of which mainstream the bioeconomy across strategic sectors. Interministerial coordination among the Ministry of the Environment (MMA), the Ministry of Science, Technology and Innovation (MCTI), the Ministry of Development, Industry, Trade and Services (MDIC), and the Ministry of Agrarian Development (MDA) reinforces the intersectoral nature of the agenda and underscores the need for executive coordination in its implementation.

With regard to instruments and capital mobilization, particular attention is given to arrangements that structure investment pipelines and attract investors, such as the Brazil Coalition for the Financing of Restoration and the Bioeconomy (Coalizão BRB), the Brazil Investment Platform for Climate and Ecological Transformation (BIP), and the Nature Investment Lab (NIL), as well as the Global Innovation Lab for Climate Finance of the Climate Policy Initiative (CPI Lab). These platforms and accelerators signal a transition from policy guidelines to bankable projects, articulating safeguards, risk-proportionate metrics, and fair and equitable benefit-sharing.

The bioeconomy-related events agenda was particularly prominent throughout 2025. However, as observed at the global level, these events were largely driven by civil society organizations, highlighting the interest and advocacy efforts of diverse stakeholders. At the same time, there are indications of growing domestic political interest in consolidating the agenda,

creating the conditions for its sustainability and development as a state policy, beyond electoral and governmental cycles.

VI .Recommendations for COP30 and the 2025 G20 Summit

In line with the preceding analysis, Brazil is well positioned to lead the bioeconomy agenda by example, leveraging its domestic mobilization around the issue and demonstrating that it is possible to create enabling conditions for the development of the bioeconomy while projecting this experience internationally.

In this context, the following recommendations are particularly relevant to advancing the agenda:

- *Integrate specificities into the Brazilian Sustainable Taxonomy*: As currently approved, the Brazilian Sustainable Taxonomy does not yet include bioeconomy-related activities, although their incorporation is envisaged in a forthcoming revision (Brazil 2025a). A clear definition of which activities qualify as part of the bioeconomy—and of the sustainability attributes of those practices—is essential for assessing what should be incentivized through public policies and financial instruments.
- *Promote international interoperability of taxonomies:* Following the integration of the bioeconomy into the Brazilian Sustainable Taxonomy, and based on dialogue with investors, it will be important to highlight its interoperability with other international taxonomies. This would allow bioeconomy activities to be more readily identified as sustainable across jurisdictions, without creating additional complexity or undermining investor confidence.
- *Map and scale up the use of blended finance for the bioeconomy:* Although bioeconomy projects hold significant socio-environmental development potential, they are not yet familiar to financial and capital markets. In this sense, the use of blended finance structures—separating higher-risk capital from commercial capital, particularly through the deployment of guarantees and insurance—remains critical. Progress in blended finance mechanisms in Brazil has been supported by the CPI Lab since 2016 (CPI Lab) and offers a model to be expanded.
- *Integrate investment platforms and pipeline generators:* Establish a seamless integration between the Brazil Investment Platform for Climate and Ecological Transformation (BIP) and pipeline-generation

initiatives, including financial instrument accelerators (such as the CPI Lab) and project preparation facilities for small and medium-sized enterprises. This approach mirrors the support provided by GFANZ to the BIP and the Nature Investment Lab (NIL) (Brazil 2025b). Such integration is essential to ensure a more effective flow of capital from financiers to climate-aligned projects and is particularly critical for the bioeconomy. Investment portfolios could be prioritized by biome and sub-sector, with defined cycle-time targets and minimum bankability indicators to accelerate project financing.

- *Establish structured South–South cooperation on the bioeconomy:* Launch a dedicated bioeconomy cooperation initiative among countries with similar characteristics in regions such as the Amazon, Africa, and Southeast Asia. The aim would be to harmonize criteria, promote joint calls for proposals, enable co-financing through development banks, and organize targeted missions to stimulate private sector investment.

References

Bank for International Settlements (BIS). n.d. Basel III: International Regulatory Framework for Banks. https://www.bis.org/bcbs/basel3.htm. Accessed September 19, 2025.

Basel Committee on Banking Supervision. 2021. Climate-Related Risk Drivers and Their Transmission Channels. BIS. https://www.bis.org/bcbs/publ/d517.pdf. Accessed September 19, 2025.

Brasil. 2025a. "Comitê aprova versão final da Taxonomia Sustentável Brasileira." *gov.br*, September 1. https://www.gov.br/fazenda/pt-br/assuntos/noticias/2025/setembro/comite-aprova-versao-final-da-taxonomia-sustentavel-brasileira. Accessed October 28, 2025.

Brasil. 2025b. "BIP celebra um ano com entrada de fundos e avanços na mobilização de investimentos para a transformação ecológica." *gov.br*, October 16. https://www.gov.br/fazenda/pt-br/assuntos/noticias/2025/outubro/bip-celebra-um-ano-com-entrada-de-fundos-e-avancos-na-mobilizacao-de-investimentos-para-a-transformacao-ecologica. Accessed October 28, 2025.

Brasil-Leigh, Amanda et al. 2024. *Toolbox for Financing Nature-Based Solutions*. Climate Policy Initiative, September 12. https://www.climatepolicyinitiative.org/publication/toolbox-on-financing-nature-based-solutions/. Accessed September 19, 2025.

Commodity Futures Trading Commission (CFTC). n.d. "Dodd-Frank Act." https://www.cftc.gov/LawRegulation/DoddFrankAct/index.htm. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025a. Primeira carta da Presidência brasileira. March 10. https://cop30.br/pt-br/presidencia-da-cop30/carta-da-presidencia-brasileira/10-03-25-visao-cop30-pt.pdf. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025b. Segunda carta da Presidência brasileira. May 8. https://cop30.br/pt-br/presidencia-da-cop30/cartas-da-presidencia/segunda-carta-da-presidencia-brasileira/070525_cop30_2carta_pt.pdf. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025c. Terceira carta da Presidência brasileira. May 23. https://cop30.br/en/brazilian-presidency/letters-from-the-presidency/third-letter-from-the-presidency/250523_cop30_3acarta_pt-br.pdf. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025d. Quarta carta da Presidência brasileira. June 20. https://cop30.br/pt-br/presidencia-da-cop30/cartas-da-presidencia/quarta-carta-da-presidencia-brasileira. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025e. Quinta carta da Presidência brasileira. August 12. https://cop30.br/pt-br/presidencia-da-cop30/cartas-da-presidencia/quinta-carta-da-presidencia-brasileira. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025f. Sexta carta da Presidência brasileira. August 19. https://cop30.br/pt-br/presidencia-da-cop30/cartas-da-presidencia/sexta-carta-da-presidencia-brasileira. Accessed September 19, 2025.

COP30. Brazilian Presidency. 2025g. Sétima carta da Presidência brasileira. August 29. https://cop30.br/pt-br/presidencia-da-cop30/cartas-da-presidencia/setima-carta-da-presidencia-brasileira. Accessed September 19, 2025.

Environmental Paper Network (EPN). 2025. "Press Release: Beware of a Bioeconomy Gateway to Big Biomass Energy at COP30." June 20. https://

environmentalpaper.org/wp-content/uploads/2025/06/PRESS-RELEASE-Beware-of-a-Bioeconomy-Gateway-to-Big-Biomass-Energy-at-COP30.pdf. Accessed September 19, 2025.

Environmental Paper Network (EPN). 2025. "Biomass and the UN Climate Negotiations." November. https://environmentalpaper.org/biomass/biomass-and-the-un-climate-negotiations/. Accessed September 19, 2025.

Espinosa Cantellano, Irene. 2023. "Moving Beyond Climate—The Relevance of Biodiversity Loss for the Financial System." BIS—Central Bankers' Speeches, January 27. https://www.bis.org/review/r230207b.pdf. Accessed September 19, 2025.

Finance in Common Summit (FICS). 2025a. *Final Communiqué*. https://financeincommon.org/sites/default/files/2025-03/FiCS%202025%20Final%20Communiqu%C3%A9.pdf. Accessed September 19, 2025.

Finance in Common Summit (FICS). 2025b. *Unlocking the Potential of Public Development Banks for Sustainable Development – A Finance in Common Contribution to FfD4*. https://financeincommon.org/sites/default/files/2025-02/RAPPORT%20FiCS%20-%20Confe%CC%81rence%20FfD%204%20-%20Digital%20Version.pdf. Accessed September 19, 2025.

Furtado, Marcelo. 2024. "A bioeconomia no G20 Brasil." *CEBRI-Revista* 3 (12). https://cebri.org/revista/br/artigo/190/a-bioeconomia-no-g20-brasil. Accessed September 19, 2025.

G20. 2024a. *Princípios de Alto Nível sobre Bioeconomia*. https://www.gov.br/secom/pt-br/assuntos/noticias/2024/09/g20-chega-a-consenso-e-estabelece-principios-de-alto-nivel-sobre-bioeconomia/11092024-g20-principios-bioeconomia-pdf-em-ingles.pdf/view. Accessed September 19, 2025.

G20. 2024b. *Sustainable Finance Report*. September. https://g20sfwg.org/wp-content/uploads/2024/10/2024-G20-Sustainable-Finance-Report.pdf. Accessed September 13, 2025.

G20. 2024c. *Declaração de Líderes do Rio de Janeiro*. https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/g20-rio-de-janeiro-leaders-em-portugues.pdf. Accessed September 19, 2025.

G20. 2024d. *Relatório da Reunião Preparatória para a Iniciativa de Bioeconomia no G20 (GIB)*. https://www.gov.br/mma/pt-br/composicao/sbc/comissao-nacional-de-bioeconomia/documentos-de-interesse/3-relatorio_preparatoria-g20-gib_reuniao2-2024-02-29.pdf/view. Accessed September 19, 2025.

G20. 2025. "About G20: Overview." https://g20.org/about-g20/overview/. Accessed September 19, 2025.

Global Innovation Lab for Climate Finance. "The Lab." https://www.climatefinancelab.org/. Accessed October 28, 2025.

Herszenhorn, David M. 2008. "Administration Is Seeking $700 Billion for Wall Street." *New York Times*, September 21. https://www.nytimes.com/2008/09/21/business/21cong.html. Accessed September 19, 2025.

International Union for Conservation of Nature (IUCN). 2020. *Ensuring Effective Nature-Based Solutions: The IUCN Global Standard for Nature-Based Solutions*. https://www.iucn.org/sites/default/files/2022-02/iucn_issues_brief_-_nbs_standard_eng.pdf. Accessed September 19, 2025.

IOSCO, and Committee on Payments and Market Infrastructures (CPMI). 2024. *Summary of CPMI–IOSCO Workshops on Climate Risks for Financial Market Infrastructures*. December 19. https://www.iosco.org/library/pubdocs/pdf/IOSCOPD782.pdf. Accessed September 19, 2025.

London Climate Action Week (LDNCAW). 2025a. *From Glasgow to Belém: A Public-Private Dialogue to Foster Bioeconomy*. https://www.londonclimateactionweek.org/event/from-glasgow-to-belem-a-public-private-dialogue-to-foster-bioeconomy/. Accessed September 19, 2025.

London Climate Action Week (LDNCAW). 2025b. *From Risk to Resilience: Financing the Bioeconomy Climate Transition*. https://www.londonclimateactionweek.org/event/from-risk-to-resilience-financing-the-bioeconomy-climate-transition. Accessed September 19, 2025.

Lopes, Cristina, Ana Flávia Corleto, and Joana Chiavari. 2024. *Bioeconomia no Novo Governo Lula: Avanços Regulatórios e Institucionais*. Amazônia 2030. https://www.climatepolicyinitiative.org/wp-content/uploads/2024/11/Bioeconomia-no-Governo-Novo-Lula.pdf. Accessed September 19, 2025.

Nature Finance, and Fundação Getulio Vargas (FGV). 2024. *A Bioeconomia Global – Levantamento Preliminar das Estratégias e Práticas do G20*. https://climaesociedade.org/wp-content/uploads/2024/11/POR-ABioeconomiaGlobal_FINAL.pdf. Accessed September 19, 2025.

Nature Finance. 2024. *Financiando uma Bioeconomia Global Sustentável*. https://www.naturefinance.net/wp-content/uploads/2024/09/POR-FinanciandoumaBioeconomiaGlobalSustentavel-.pdf. Accessed September 19, 2025.

International Union for Conservation of Nature (IUCN). n.d. *Proposing IUCN Global Standard for Nature-Based Solutions as the Main Operational Framework to Implement UNEA Resolutions 5/5*. https://iucn.org/resources/information-brief/proposing-iucn-global-standard-nature-based-solutions-main-operational. Accessed September 19, 2025.

Walker, Andrew. 2018. "Eurozone Bailout Programme Is Finally Over." *BBC News*, August 19. https://www.bbc.com/news/business-45186511. Accessed September 19, 2025.

World Bank. 2024. *Bioeconomy Paraguay: Innovation and Economic Diversification*. https://openknowledge.worldbank.org/server/api/core/bitstreams/d99d51e7-80bf-401a-8b7b-eb04c3b0373d/content. Accessed September 19, 2025.

World Bank. 2025. *Fostering an Innovative Bioeconomy*. https://www.worldbank.org/en/about/leadership/directors/eds10/brief/eds10-bbl-fostering-an-innovative-bioeconomy. Accessed September 19, 2025.

IS INTERNATIONAL LAW IN CRISIS?

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Abstract

This article addresses the question of whether international law is in crisis, as indicated by some influential international media outlets. It examines existing criticisms of the functioning of international law and presents proposals for strengthening it. Finally, it presents conclusions on the validity of international law.

Keywords: Public International Law. International relations. Multilateralism. Peace and security. Human rights. Environment. International trade.

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ESTÁ O DIREITO INTERNACIONAL EM CRISE?

Resumo

O artigo trata da questão de encontrar-se ou não o Direito Internacional em crise, tal como indicado em alguns órgãos relevantes da imprensa internacional. Examina as críticas previamente existentes sobre o funcionamento do Direito Internacional e apresenta propostas para o fortalecimento deste. Ao final, apresenta conclusões sobre a validade do Direito Internacional.

Palavras-chave: Direito Internacional Público. Relações internacionais. Multilateralismo. Paz e segurança. Direitos Humanos. Meio ambiente. Comércio Internacional.

¿ESTÁ EL DERECHO INTERNACIONAL EN CRISIS?

Resumen

El artículo aborda la cuestión de si el Derecho Internacional se encuentra o no en crisis, tal y como indican algunos medios de comunicación internacionales relevantes. Examina las críticas preexistentes sobre el funcionamiento del Derecho Internacional y presenta propuestas para su fortalecimiento. Al final, presenta conclusiones sobre la validez del Derecho Internacional.

Palabras clave: Derecho internacional público. Relaciones internacionales. Multilateralismo. Paz y seguridad. Derechos humanos. Medio ambiente. Comercio internacional.

Is international law in crisis? This question forms the backdrop to two deliberately provocative articles published last June in two influential international media outlets.

In the first article, published on the 24th by *Foreign Affairs* and entitled "Might Unmakes Right,"[2] Oona A. Hathaway and Scott J. Shapiro, professors of International Law at Yale University, note that, since the adoption of the UN Charter, states understood that violations would likely result in condemnation, sanctions, and even intervention. They argue, however, that these deterrent fears have largely dissipated. The authors warn of the grave consequences of this situation, namely "a global arms race, renewed wars of conquest, shrinking trade, and the collapse of the cooperation needed to confront shared global threats."

In the second article, published two days later by *The Guardian* under the title "Are We Witnessing the Death of International Law?",[3] columnist Linda Kinstler (currently a researcher at *The Economist*) contends that a growing number of academics and legal practitioners have lost faith in the current system. Others, according to interviews she conducted, place the blame not on International Law itself, but on states, which have failed to support it. Among several perspectives cited, she quotes a South African judge of the International Court of Justice, who argues that what we are witnessing is not the failure of International Law, but of international politics. Kinstler also reports the view of a professor at the University of Manchester, according to whom International Law will not disappear, but its institutions are likely to continue losing credibility, and their decisions will carry diminishing weight.

Have these two articles overstated the current condition of International Law? Is this branch of law facing genuine risks of erosion or loss of relevance? Are its effectiveness and the confidence of states in the institutions that sustain it under threat? In assessing the significance of these unsettling questions, it is important to note that criticisms of the existing international legal system are not new. A number of factors now appear to be converging to give renewed force to such concerns, including anti-globalization movements, the decline of multilateralism, and the rise of nationalism rooted in populist movements across various regions of the world.

2 Hathaway and Shapiro 2025.

3 Kinstler 2025

Criticisms of International Law and Their Responses

Among the criticisms of International Law that have resurfaced amid this international context—particularly unfavorable to global negotiations—are those concerning the lack of enforceability; the stench of colonialism and the limited number of decisions issued by the International Court of Justice; the refusal of major powers to adhere to key international agreements; the inequities of the disarmament and nuclear non-proliferation regime; the selectivity of human rights bodies; shortcomings in the implementation of environmental agreements; and the paralysis of the international trade dispute settlement system.

The Lack of Coercive Power

Since the beginning of the twenty-first century, there has been a resurgence of the accusation—advanced primarily by forces opposed to multilateralism—that International Law lacks coercive power, given the absence of a global police force, a standing army, or a court endowed both with compulsory jurisdiction and with the authority to enforce compliance with its rules and decisions.

A broad explanation for the limits of coercion lies in the continued relevance of the Westphalian principle of sovereignty, upon which International Law is constructed. According to its logic, because all states are sovereign and equal, none can be compelled to submit to a higher authority without its consent. From this perspective, sovereignty continues to prevail almost absolutely as the foundation of international rules, notwithstanding the challenges it has faced in recent decades in areas such as human rights and environmental protection.

The requirement of consent for the fulfillment of treaty obligations and for the recognition of the jurisdiction of courts (such as the International Court of Justice – ICJ, the International Criminal Court – ICC, and the Permanent Court of Arbitration – PCA) means that compliance is largely voluntary and only rarely achieved through diplomatic pressure, economic sanctions, or, in extreme cases, military action. In other words, the limited coercive mechanisms available in International Law—namely, the authorization by the Security Council of multilateral sanctions or the use of force, as well as the World Trade Organization's authorization of trade retaliation—are often deemed ineffective.

Even if one accepts that coercion is weak, it is worth recalling, as the jurist Louis Henkin famously observed, that "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time."[4] Indeed, given the growing number of international agreements, rules governing various specialized areas—such as air and maritime transport and telecommunications—are complied with on a daily basis without the need for international police forces. In these fields, compliance is a technical necessity, and non-compliance results in immediate harm, rendering the rules virtually self-executing.

Moreover, many rules are incorporated into the domestic legislation of states parties to international agreements and thus come to rely on national institutions for their enforcement. Once internalized, international obligations may be applied by domestic courts and enforced by local law-enforcement authorities, constituting a form of indirect coercion. This phenomenon is driven by factors unrelated to the use of force. In many instances, states understand that long-term compliance with rules serves their own interests, since unpredictability and anarchy would be detrimental to all. States are also concerned with their reputation as reliable, law-abiding actors, which constitutes a valuable asset, given that violations of International Law may lead to diplomatic isolation and a loss of influence. In other words, the capacity of International Law to shape state behavior and provide a framework for cooperation suggests that its relevance cannot be measured solely by force, but also by its utility and acceptance.

The Colonial Legacy of the International Court of Justice

Another alleged flaw in International Law is articulated in the book Imperialism, Sovereignty and the Making of International Law, published in 2004 by the jurist Anthony Anghie. In this work, Anghie accuses the International Court of Justice (ICJ) of rendering decisions tainted by colonialism. He argues convincingly that International Law did not develop in a vacuum, but rather functioned as a fundamental tool of colonialism. The author challenges the traditional narrative according to which International Law emerged to regulate relations among "civilized" European states and only gradually expanded to the rest of the world.[5]

4 Henkin 1979, 47; Henkin 1989, 69.

5 Anghie 2004.

This criticism is certainly applicable to part of the jurisprudence of its predecessor, the Permanent Court of International Justice (PCIJ). Operating from 1922 to 1946, it was a direct product of the colonial and Eurocentric system of the League of Nations. Its composition was almost entirely European, and its decisions often reflected the power hierarchies of the time. A notable example is the *Mavrommatis Concessions in Jerusalem* case (1925),[6] in which the Court treated the British Empire as the only relevant actor, disregarding the rights of the Palestinians.

The situation changed when the ICJ replaced the PCIJ, as Anghie himself later acknowledged in an interview with the United Nations.[7] The Court no longer operates in the same manner, given the geographical diversification of its members. It developed in a context of decolonization and expanded its representation to include all continents, reflecting an effort to legitimize the new tribunal and break with its Eurocentric past.

Nevertheless, despite the ICJ's greater diversity and certain advances, the critique of a "structural" bias and a lingering "stench of colonialism" remains persuasive for many observers. They argue that diversity among judges alone has not resolved the problem, since the structure of International Law and the principles applied by the ICJ (such as sovereignty and non-intervention) were themselves developed in a colonial context. Some recent ICJ cases have raised suspicions of such bias. The Court's advisory opinion on The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2003),[8] for instance, has been criticized as belated and insufficient to deter Israel's actions. Other cases involving the responsibility of Western powers for conduct in developing countries have been dismissed on procedural grounds (lack of jurisdiction or state consent), which may be interpreted as a protective mechanism for powerful states.

Finally, it may be argued that the ICJ can only adjudicate cases with the consent of the states concerned, which allows major powers (which are often the most relevant actors in disputes) to simply refuse to appear before the Court, thereby undermining its capacity to hold them accountable. From this perspective, the limitation may be seen as a means of preserving impunity for the powerful, echoing the colonial era. The critique thus targets the very concepts and mechanisms of International Law which, rooted in an imperial past, may inadvertently perpetuate power asymmetries in the global arena.

6 CPIJ 1924.

7 UN University 2013.

8 ICJ 2004.

In the *Chagos Archipelago* advisory opinion (2019),[9] however, the ICJ marked a clear departure from the colonial legacy of the past. The decision is widely regarded as a notable example of the Court's more assertive stance against practices reminiscent of the colonial era. The case originated from a request by the UN General Assembly for an advisory opinion on the legality of the separation of the Chagos Archipelago from Mauritius by the United Kingdom in 1965, in order to allow the United States to establish a military base on Diego Garcia, one of the islands of the archipelago. In its opinion, adopted by 13 votes to 1, the ICJ held that the decolonization of Mauritius had not been lawfully completed and that the separation of the archipelago violated International Law by infringing the principle of self-determination. The Court reaffirmed that self-determination constitutes a fundamental right and that its application cannot be undermined by the detachment of part of a territory without regard to the will of its population.

The Limited Impact of the Decisions of the International Court of Justice

From its establishment in 1946 until 2024, the ICJ resolved only 225 disputes (196 judgments and 29 advisory opinions).[10] This relatively modest number, when compared to national courts, appears to weaken the notion of the Court's universal impact. It also reveals the peculiar, non-compulsory nature of its jurisdiction, since states must consent in order to participate. It follows that states generally resort to the ICJ only as a last resort, that is, when diplomacy fails and, given the gravity of the dispute, judicial settlement becomes the only viable option.

On the other hand, the fact that states submit disputes to the Court—even in matters involving high international tension, such as borders and the use of force—demonstrates not diminished importance, but rather respect for its role. It also suggests that many disputes that could be brought before the ICJ are resolved diplomatically in order to avoid potential litigation. Furthermore, even with a limited number of cases, ICJ jurisprudence exerts a universal impact, as its rulings on issues such as the use of force, self-determination, state responsibility, and sovereignty become global reference points for International Law.

9 ICJ 2019.

10 Crawford 2019, 706.

One explanation for the perceived loss of prominence of the ICJ lies in the emergence of new courts, such as the International Tribunal for the Law of the Sea (ITLOS), established in 1982, which absorbed part of the ICJ's former docket of maritime boundary disputes. Many cases that once would have gone to The Hague are now submitted to ITLOS in Hamburg, as the latter is a more specialized forum with more expeditious procedures. Nevertheless, the rise of this new tribunal has allowed the ICJ to concentrate on other areas and to consolidate its position as the principal court for general disputes in International Law. It continues to adjudicate, for example, cases concerning land boundaries, state responsibility for war crimes, and questions of immunity. Moreover, in certain instances, parties may still choose to submit disputes concerning the law of the sea to the ICJ.

The view that the ICJ has lost prominence is therefore a complex one. The Court remains the principal judicial organ of the United Nations and continues to carry significant weight in matters of International Law. Media and public attention to ICJ hearings and decisions has in fact grown in recent years, particularly in high-profile cases involving allegations of genocide or armed conflict, such as South Africa v. Israel and Ukraine v. Russia. This heightened visibility suggests that the Court is still regarded as an institution of political and moral relevance. Moreover, the ICJ has increasingly been utilized by small and medium-sized states as a legal-diplomatic instrument to defend themselves against more powerful states, underscoring its importance as a platform for justice and accountability, as well as a mechanism for balancing power in the international arena.

In sum, although the number of ICJ cases is limited and competition from newer tribunals is a genuine reality, the Court has not lost its impact or prominence. On the contrary, its jurisprudence continues to shape International Law in a universal manner, and its relevance is being reaffirmed by states that seek adjudication as an alternative to force and power politics.

The Non-Adherence of Major Powers to Key International Agreements

A more recent and negative assessment of International Law posits that it has lost relevance due to the refusal of major world powers to accede to some of the most important international treaties. The United States, China, and Russia, for example, are not parties to the Rome Statute (1998), which established the International Criminal Court (ICC), nor to the Treaty on the Prohibition of Nuclear Weapons (TPNW) (2017). Undoubtedly, the

failure of major powers to join key agreements such as these directly fuels the perception that International Law has waned in relevance.

This assessment rests on three principal arguments. According to the first, although International Law is founded on the principle of the sovereign equality of states, the refusal of powers such as the United States, China, and Russia to submit to certain norms (such as those of the ICC), while expecting other states to do so, creates a clear double standard. This, in turn, generates the perception that international rules apply only to the weak and not to the powerful. The second argument holds that, in the absence of the major powers, legal regimes suffer from severely limited coercive capacity. The ICC, for instance, cannot prosecute nationals of states that have not ratified the Rome Statute unless a situation is referred by the UN Security Council, where the veto power of permanent members predominates. Similarly, the TPNW cannot prevent the development of nuclear weapons or compel nuclear-armed states to disarm, as these states have not joined the treaty. In other words, while such treaties formally exist, they are often portrayed as practically ineffective. The third argument concerns the diminution of normative relevance: the absence of major geopolitical actors from the negotiating table weakens the impact of legal norms themselves. The non-participation of a major power in the Paris Climate Agreement, for example, not only undermines the agreement politically but also casts doubt on the feasibility of achieving global targets. When the largest environmental polluters or the holders of the most substantial military capabilities refuse to participate, the norm risks being perceived as aspirational rather than binding on the most powerful actors.

Despite these concerns, the non-adherence of major powers does not necessarily render International Law irrelevant. In practice, its influence tends to operate in more subtle ways. First, the mere existence of a treaty prohibiting nuclear weapons, for instance, establishes an international moral benchmark. Even if nuclear-armed states do not sign it, they are subjected to diplomatic and public pressure to pursue disarmament objectives. Second, with regard to the jurisprudence of the ICC, the Court's inability to prosecute nationals of major powers does not prevent the Rome Statute from influencing the development of international criminal law and from serving as a basis for encouraging domestic courts to investigate and prosecute international crimes. Third, treaties such as the TPNW generate binding obligations for the states that do ratify them, which may strengthen global non-proliferation norms, even if nuclear powers are not legally bound by those instruments.

It may thus be concluded that the non-adherence of major powers to key international treaties constitutes a serious challenge to the universality

of International Law and contributes negatively to its public image. At the same time, the continued participation of other states in these agreements, as well as the institutions they have created, continues to shape global debates, generate diplomatic pressure, and provide a normative foundation for the actions of other countries.

The Fragility of the International Peace and Security System

It is often argued that the international legal system has failed to resolve armed conflicts in the manner one might hope. This assertion is difficult to refute, as it is easier to enumerate the countless conflicts that have occurred than to identify and quantify those that did not materialize due to the use of one of the seven methods for the peaceful settlement of disputes listed in Article 33(1) of the UN Charter, namely: "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means."

Moreover, how can one prove that a particular conflict failed to occur as a result of the application of the rules enshrined in the UN Charter, when in reality the specific provisions granting the Security Council authority to maintain peace (Articles 39 to 42) have been fully applied on only two occasions: during the Korean War in the 1950s and in response to Iraq's invasion of Kuwait in 1991, shortly after the end of the Cold War?

The answer to this question does not lie in advocating for a more frequent or comprehensive application of Articles 39 to 42, but rather in changing the metric by which the UN's success is measured. This success should not be assessed by the frequency with which the organization authorizes the use of force, but by how often it manages to prevent it. One cannot conclude that the UN system for maintaining peace and security has failed simply because armed conflicts outnumber peace agreements. To follow such reasoning would require the elimination of all conflicts, thereby establishing an unrealistic benchmark of total conflict absence, grounded in a simplistic logic whereby the system is deemed ineffective whenever its impact is not visible.

Peacebuilding is a process, not merely the result of a single event. In this sense, the UN operates in the realm of potential conflict—through mediation, prevention, and diplomacy—actions that, by their very nature, do not attract public attention. It thus becomes necessary to shift the focus from "visible failure" to "invisible success," which lies at the core of the peaceful settlement

mechanisms outlined in Article 33 of the UN Charter, as peace is often the result of quiet, patient diplomacy.

As the main forum for peace and security diplomacy, the UN system prevents wars on a daily basis, but its actions are not made public. The mere existence of the UN and the possibility for all countries to meet and engage in dialogue in the same forum is an essential step toward peace. It provides a platform for leaders and diplomats to meet, negotiate, and resolve disputes before they escalate into armed conflict. The UN and other international organizations frequently operate behind the scenes, employing peaceful means to resolve disputes over borders, natural resources, or trade-related issues.

In order to demonstrate that a conflict was averted due to the application of the UN Charter's rules, attention must be directed to three main points. First, the UN's success derives far less from the use of Chapter VII than from Chapter VI, which deals with the peaceful settlement of disputes. Most peace negotiations never reach the Security Council; instead, they are mediated by the UN Secretary-General, special envoys, or UN agencies. Second, the mere existence of a collective security system, however imperfect, has a deterrent effect. States are aware that violations of the UN Charter may result in condemnation, sanctions, or, in extreme cases, military action authorized by the Security Council. The prospect of an international response acts as a restraint, leading many states to pursue peaceful solutions to their disputes. Third, although it is difficult to prove the absence of a conflict, it is possible to observe the UN's role in dispute resolution, since it constitutes the primary forum for what may be termed "legal diplomacy," in which states invoke International Law to support their positions.

In conclusion, the success of the UN is not measured by its ability to resolve conflicts that have already erupted, but by its capacity to prevent conflicts from occurring in the first place. As a forum for dialogue and negotiation, the UN plays a crucial role in preventing wars, which explains the enduring relevance of the organization: its mere existence as a venue in which all member states can meet and engage in dialogue constitutes, in itself, a stabilizing factor. Furthermore, the deployment of UN peacekeeping forces has been instrumental in monitoring ceasefires, protecting civilians, and facilitating transitions to peace in numerous countries.

That said, a persistent and valid criticism remains: the inertia of the Security Council is largely attributable to the veto power granted to its permanent members, which, when exercised, has a paralyzing effect. Indeed, the existence of the veto creates the perception that International Law is a "law of the powerful," conveying the message that legal rules apply only to

states that do not possess veto power or are not allied with those who do. This paralysis contributes to the crisis of multilateralism, as many states grow frustrated with the UN's inability to act. Finally, although reforming the Security Council and restricting the use of the veto are widely regarded as both necessary and urgent, it currently appears unlikely that the permanent members will agree to relinquish their veto power, rendering meaningful reform exceedingly difficult.

Failure to Comply with the Obligation of Nuclear Disarmament

Within the realm of peace and security, long-standing questions continue to be raised regarding International Law governing weapons of mass destruction. With respect to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), criticisms persist, in particular for the lack of efforts to comply with Article VI, under which each Party "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

The ICJ made only a limited contribution to the implementation of this provision when it issued an advisory opinion known as *the Legality of the Threat or Use of Nuclear Weapons* (1996).[11] Although the Court emphasized the obligation of states to negotiate in good faith toward the elimination of nuclear weapons, it nevertheless took the position that the use of nuclear weapons could not be regarded as specifically prohibited under existing international law, nor could it identify any explicit ban on their use in treaties addressing particular categories of weapons of mass destruction.

Nor did the Court significantly advance the cause of disarmament when it declined to rule on the merits of the *Marshall Islands* case (2014),[12] in which nine states were accused of failing to comply with their obligations concerning the cessation of the nuclear arms race and nuclear disarmament. In a closely divided decision (eight votes to eight, with the President of the Court casting the decisive vote), the ICJ concluded that no legal dispute existed between the Marshall Islands and the respondent states at the time the applications were filed. The Court held that the Marshall Islands had not conclusively demonstrated that the nine states had refused to engage in negotiations on disarmament. The resulting decision not to address the merits disappointed

11 ICJ 1996.

12 ICJ 2016.

disarmament activists and many scholars of International Law, who viewed it as a missed opportunity to reaffirm the principle of nuclear disarmament and to exert pressure on nuclear-armed states.

The lack of progress on disarmament is the primary reason why many non-nuclear-weapon states regard the NPT as an inequitable treaty, insofar as it legitimizes the possession of nuclear weapons by a small group of states while prohibiting their possession by the vast majority. This sense of frustration was one of the main drivers behind the negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017.

The Selectivity of Human Rights Bodies

Criticism of International Law in the field of human rights has focused less on the substantive content of the numerous conventions and covenants than on the political conduct of the Human Rights Council, where member states tend to publicly criticize their political adversaries more readily than their allies. The selectivity of human rights bodies, together with the International Criminal Court's (ICC) near-exclusive focus on crimes committed on the African continent, constitutes a central and well-founded critique, as these practices undermine the legitimacy and effectiveness of the global human rights system and of international criminal justice.

The criticism that states deploy human rights as a political weapon against their adversaries, while ignoring or downplaying violations committed by their allies, is widely documented. This harmful practice has at least three adverse consequences. The first is the erosion of the moral authority of the international human rights protection system, which is grounded in universal principles. If one country is publicly condemned for torture while its ally, which engages in the same practice, is quietly ignored, the norm prohibiting torture loses normative force. The second consequence is the instrumentalization of law: selectivity transforms human rights conventions and covenants from legal instruments designed to protect individuals into political tools for the projection of power. Law becomes a pretext for coercive diplomacy rather than a foundation for universal justice. The third consequence concerns resistance to cooperation by states that perceive themselves as targets of a selective approach. Such states tend to become more skeptical of human rights bodies and less willing to cooperate with them. They may refuse to allow visits by special rapporteurs, reject recommendations, or even withdraw from conventions altogether, thereby weakening the system as a whole.

With regard to the criticism that the ICC has maintained a disproportionate focus on crimes committed in Africa, the issue represents one of the most serious challenges faced by the Court. Indeed, until relatively recently, all formal investigations conducted by the ICC and all of its convictions concerned crimes committed on the African continent. This pattern has led to accusations that the ICC is a "Eurocentric" or even "racist" institution. The implications for International Law are severe on at least three levels. First, the focus on African cases, while crimes committed in other regions remained uninvestigated, undermines the Court's legitimacy. Second, this record suggests that the ICC's jurisdiction is applied more rigorously to African states than elsewhere, thereby weakening the principle of universality. Third, the concentration on African cases has triggered a political backlash within the continent, manifested in attempts by some African states to withdraw from the Rome Statute and in the construction of a narrative portraying the ICC as a neo-colonial instrument.

It thus becomes apparent that both factors—the selectivity of human rights bodies and the ICC's African focus—contribute to the deterioration of International Law. They erode its normative foundations, rooted in equality and universality, and transform law from a system of justice into a tool of power. The result is a loss of legitimacy, the instrumentalization of the law, and growing resistance from states that perceive the rules as being applied unevenly.

The Difficulty of Implementing Environmental Protection Rules

With regard to environmental protection, criticisms likewise tend to focus less on deficiencies in the conventions and protocols themselves than on the implementation of these international instruments, particularly in relation to climate change. In this context, the few cases adjudicated by the ICJ concerning the application of environmental agreements have primarily emphasized responsibility as a means of ensuring environmental protection after environmental harm has occurred, rather than placing sufficient emphasis on prevention.

Thus, for example, in the *Gabčíkovo–Nagymaros* case between Hungary and Slovakia (1997),[13] the ICJ focused on the consequences of treaty violation but did not establish a general and binding principle of environmental prevention applicable to future cases. Similarly, in the *Pulp Mills on the River*

13 ICJ 1997.

Uruguay case (2010),[14] case (2010), the Court held that Uruguay had breached a procedural obligation to notify Argentina of the construction of a pulp mill and required the parties to cooperate in resolving the dispute. However, it did not articulate a principle of state responsibility for transboundary environmental harm that could serve as a warning or incentive for other states to adopt preventive measures.

The absence of precedents that decisively reinforce the obligation to prevent environmental harm constitutes a serious limitation of the ICJ. The Court has been cautious in developing norms of customary international law, preferring instead to confine itself to clearly established obligations contained in existing treaties. This conservative approach frustrates advocates of environmental protection, who seek in law a more proactive tool for preventing ecological disasters. The criticism is valid and reveals the limitations of international environmental law. The lack of effective implementation mechanisms and the reactive nature of ICJ jurisprudence demonstrate that, although environmental law exists on paper, its capacity to ensure effective and proactive environmental protection remains subject to debate.

The Paralysis of the Trade Dispute Settlement System

Another well-founded criticism of International Law concerns the paralysis of the WTO dispute settlement system following the blockage of appointments of new judges to its Appellate Body. As a result, the system has ceased to generate the body of precedent that had gradually and increasingly provided predictability to international trade. In this same context, one may also point to the inability of International Law to prevent violations of the principle of non-discrimination, the cornerstone of the General Agreement on Tariffs and Trade (GATT), in light of the widespread growth of bilateral tariff negotiations.

The paralysis of the Appellate Body and the rise of bilateralism are, in fact, the most significant challenges currently facing the organization. The WTO's Dispute Settlement Mechanism allows for a sophisticated form of coercion in the field of trade. When a country violates the rules (for example, by imposing tariffs above its agreed commitments), the affected country may bring the matter before the WTO's Dispute Settlement Body. If an adverse ruling is issued and the offending country fails to comply, the Body may authorize the injured party to retaliate, that is, to impose countermeasures.

14 ICJ 2010.

This constitutes a form of coercion because the retaliation is institutionally authorized and legitimized, rather than being considered an unlawful act of trade warfare. This mechanism ensures that punishment remains proportional and prevents countries from entering into spirals of uncontrolled retaliation.

However, the WTO dispute settlement system—widely regarded as the organization's "crown jewel"—has been effectively paralyzed since December 2019. The crisis began when the United States blocked the appointment process for new Appellate Body members, citing concerns over "judicial activism," excessive delays, and interpretations that, in its view, exceeded the Body's mandate. With the number of judges falling below the minimum required, the Appellate Body can no longer issue decisions. This means that when a country loses a case at the panel stage, it may simply appeal "into the void," preventing the panel report from being adopted. In practice, this allows losing parties to evade their obligations, rendering decisions non-binding. One of the Appellate Body's most important functions was to develop a coherent body of jurisprudence (precedent) guiding states on how to interpret and apply WTO rules. In the absence of such guidance, predictability in international trade has been drastically reduced. Both governments and private actors face greater uncertainty as to what is permitted, increasing the likelihood of disputes and encouraging greater reliance on unilateral measures, such as retaliatory tariffs.

The current criticisms are therefore valid. The WTO dispute settlement system is facing a profound crisis, resulting in a loss of predictability. This crisis, combined with the rise of bilateral negotiations, directly challenges the fundamental principle of non-discrimination and contributes to the erosion of the rules-based multilateral trading system.

Proposals to Strengthen International Law

Among the proposals advanced by Hathaway and Shapiro to mitigate or reverse what they perceive as a newly fragile condition of International Law, one stands out: the formation of a broad coalition of small and medium-sized states to defend the prohibition of the use of force [without multilateral authorization].[15] The authors propose that these states make use of the so-called "veto initiative," a procedure whereby any resolution vetoed in the Security Council is referred to the General Assembly for debate. Resolutions adopted by the General Assembly through this mechanism would provide

15 Hathaway and Shapiro 2025.

legal support for the coordination of future state actions. They would also facilitate the creation of an international register of damages, paving the way for future reparations. Another proposal advanced by the authors involves the formation of regional or thematic coalitions to pursue shared objectives.

Beyond these ideas for addressing the emerging crisis of International Law, what other measures could be taken? Is there a favorable international political climate for proposing and implementing reforms of international institutions? How can consensus be achieved for the adoption of more effective mechanisms to sanction serious violations of International Law? Is civil society mobilized to support such initiatives?

The answers to these questions appear to be negative at this time. Some societies are more concerned with the growing risk of armed conflict, while others see economic development and poverty eradication as more relevant. Finding solutions to reinvigorate international law is therefore a complex process, as it requires a fundamental shift in political will and a renewed commitment to multilateralism. Yet the current political climate exhibits more fragmentation and competition than consensus and reform. Although there is widespread recognition that international institutions are outdated and in need of reform, divergent interests of major powers and blocs of states have thus far prevented progress—or even the initiation of negotiations—in this direction.

Nevertheless, a number of approaches continue to be discussed, including reaffirming commitment to multilateralism; strengthening international institutions; reforming the WTO Appellate Body and the UN Security Council veto power; providing adequate funding and political support to bodies such as the WHO and the ICC; promoting among the public and political leaders the benefits of international cooperation and the rule of law; building coalitions of like-minded states; adapting International Law to new realities; emphasizing the long-term economic, security, and reputational costs of undermining International Law and its institutions; and developing more precise and targeted sanctions regimes that minimize harm to civilian populations while maximizing pressure on offending governments. All of these proposals, however, as already noted, require a level of collective political will that appears to be lacking at present.

General Conclusions in Defense of International Law

To end this article on a somewhat optimistic note, it is worth recalling that International Law, although strained, continues to evolve, and its institutions continue to operate despite accusations of erosion, inefficacy, or inefficiency, demonstrating a broad consensus that its collapse would bring unimaginable consequences for humanity.

The system possesses mechanisms of resilience. It retains normative force: even in the absence of immediate punishment, the violation of a norm still generates reputational and diplomatic costs. Most states value the image of being "law-abiding." Civil society, NGOs, and domestic courts can invoke International Law to pressure governments through public opinion and litigation. The current crisis has even pushed medium- and small-sized states to unite in defense of the rules-based order, as occurred in the case of the ICC, when African and Latin American states defended the Court.

International Law is not a static system. It adapts and evolves in response to new challenges, demonstrating its ability to remain relevant. The international community has created norms and treaties in areas that hardly existed a few decades ago. Space law, cyber law, and environmental law (with new conventions and protocols) are examples of fields in which International Law is constantly developing. International courts, such as the International Court of Justice (ICJ), continue to issue advisory opinions and decisions that shape and refine International Law, as seen, for example, in the ICJ's 2019 *Chagos Archipelago* decision,[16] which strengthened the principle of self-determination. International Law remains the foundation for cooperation in areas that transcend borders, such as combating terrorism, preventing the proliferation of weapons, and coordinating responses to pandemics.

Despite criticism, most international institutions continue to function and fulfill their mandates. Although its dispute settlement system is paralyzed, the WTO remains the principal forum for trade negotiations and the guardian of the multilateral trading system. The ICC continues to investigate and issue arrest warrants for state leaders accused of war crimes and crimes against humanity, even if its jurisdiction is limited. The World Health Organization (WHO), the International Atomic Energy Agency (IAEA), and other UN agencies continue to coordinate international cooperation in areas such as health, nuclear safety, and the environment. In short, the existence of crises, inertia, and inefficiency in some cases does not mean that International Law

16 ICJ 2019.

is collapsing. On the contrary, the system continues to develop, adapt, and serve as the foundation for the vast majority of interactions among states. Criticism is a sign that International Law is alive—and that people believe it can improve.

Ultimately, International Law provides a framework for relations among states, establishing rules and procedures for cooperation and dispute resolution; it offers a reference point for interstate conduct, defining legal and illegal behavior at the international level and creating a sense of order and predictability; it furnishes a forum for dialogue and negotiation, facilitating the peaceful settlement of disputes; treaties and conventions serve as bases for agreements and commitments among states and lend legitimacy to state action; norms grounded in International Law make state behavior easier to justify and to accept; and it provides the legal architecture for cooperation in addressing cross-border challenges.

In the specific areas addressed in this article, International Law provides:

- in matters of peace and security, mechanisms for the peaceful resolution of disputes between states, such as negotiation, mediation, and arbitration;
- in the field of human rights, minimum standards for the protection of individual rights, regardless of a country's political system, and, from a humanitarian point of view, an essential tool for preventing armed conflict and protecting victims;
- in terms of environmental protection, the structure and means for the global community to confront challenges collectively enabling issues that transcend political borders to be addressed through a systemic approach that promotes cooperation, sets standards, and encourages responsibility, even amid the complexities of state sovereignty and international politics; and
- with regard to international trade, foreign investment, and capital flows, an international legal framework that ensures legal certainty and enables dispute resolution.

The concerns raised in the Foreign Affairs and The Guardian articles are legitimate and add new elements to a preexisting sense of anxiety within the community of nations. Although International Law has faced crises throughout its history, the current moment—marked by rising unilateralism and the questioning of fundamental norms by powerful actors—constitutes a serious threat. Solutions lie in a renewed political commitment to multilateralism, in the strengthening and adaptation of institutions, and in sustained efforts to demonstrate the enduring value of a rules-based international order.

There is no doubt that International Law is undergoing a severe test. It cannot prevent all conflicts, but it remains the only framework for global cooperation. The challenge facing the international community is to reform its institutions so that they can respond to the threats of the twenty-first century. Even in a context of increasing skepticism toward multilateralism, International Law continues to play a fundamental role in building a safer and more prosperous future for humanity.

In this context, accusations of erosion, inefficacy, or inefficiency do not change the fact that the vast majority of interactions among states are governed by international legal norms. This perception of "crisis" is, to a large extent, the product of a selective focus on failures while ignoring routine successes. After all, International Law is not a rigid system; it evolves with state practice. The real danger is that norm violations will become the new normal—that International Law becomes a kind of "law of convenience," obeyed only when states find it profitable to do so. Such a situation would lead to the loss of predictability and trust, both of which are essential for peace and trade. Global interdependence, however, is so deep that states still require rules to govern trade, aviation, maritime transport, communications, and environmental protection. Even in times of crisis, thousands of treaties and agreements continue to be implemented daily, quietly, because they are mutually beneficial. The system may be under strain, but it has demonstrated resilience throughout history.

References

Anghie, Antony. 2004. *Imperialism, Sovereignty and the Making of International Law*. Cambridge University Press. https://www.cambridge.org/9780521828925. Accessed October 24, 2025.

International Court of Justice (ICJ). 2004. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion). https://www.icj-cij.org/case/131. Accessed October 24, 2025.

International Court of Justice (ICJ). 2019a. *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (Advisory Opinion). https://www.icj-cij.org/case/169. Accessed October 24, 2025.

International Court of Justice (ICJ). 2019b. *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965—Summary of the Advisory Opinion*. https://www.icj-cij.org/node/105779. Accessed October 24, 2025.

International Court of Justice (ICJ). 2010. *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*. Judgment. https://www.icj-cij.org/case/135. Accessed October 24, 2025.

International Court of Justice (ICJ). 1996. *Legality of the Threat or Use of Nuclear Weapons*. Advisory Opinion. https://www.icj-cij.org/case/95. Accessed October 24, 2025.

International Court of Justice (ICJ). 2016. *Obligations Relating to Negotiations on the Cessation of the Nuclear Arms Race and Nuclear Disarmament (Marshall Islands v. United Kingdom)*. Preliminary Objections. https://www.icj-cij.org/case/160. Accessed October 24, 2025.

International Court of Justice (ICJ). 1997. *Gabčíkovo–Nagymaros Project (Hungary/Slovakia)*. Judgment. https://www.icj-cij.org/case/92. Accessed October 24, 2025.

Permanent Court of International Justice (PCIJ). 1924. *The Mavrommatis Palestine Concessions*. Judgment No. 2, August 20. https://www.worldcourts.com/pcij/eng/decisions/1924.08.30_mavrommatis.htm. Accessed October 24, 2025.

Crawford, James. 2019. *Brownlie's Principles of Public International Law*. 9th ed. Oxford University Press.

Hathaway, Oona A., and Scott J. Shapiro. 2025. "Might Unmakes Right: The Catastrophic Collapse of Norms Against the Use of Force." *Foreign Affairs*, July/August.

Henkin, Louis. 1979. *How Nations Behave*. 2nd ed. Columbia University Press.

Henkin, Louis. 1989. "International Law: Politics, Values, and Functions: General Course on Public International Law." *Recueil des cours* 216: 1–416.

Kinstler, Linda. 2025. "Are We Witnessing the Death of International Law?" *The Guardian*, June 26.

UN University. 2013. "Anthony Anghie—International Law and Justice." *YouTube*, September 19. Video, 1:13:29, https://www.youtube.com/watch?v=928tI5Iu3v8. Accessed October 24, 2025.

WHAT KIND OF PEACE CAN THE UNITED NATIONS SECURITY COUNCIL PROMOTE?

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Abstract

Given the current context of increasing threats to peace and the inaction of the United Nations Security Council, this article asks whether the veto power of permanent members (P5) is the main problem facing the institution and what kind of peace it could promote. Through a review of the literature on the subject and analysis of secondary, public data, it was found that the problems of the UNSC are not limited to the reckless use of the veto. The UNSC suffers from serious problems of lack of transparency; incompleteness and provisional nature of the rules governing its working methods; lack of control over legality; and reproduction of colonial logic in the distribution of issues (*penholdership*) on which the Council focuses. Thus, the peace that this body could promote, if its members reached a consensus, would continue to reproduce asymmetries and inequalities in a world whose thirst for justice would not be quenched.

Keywords: Peace. United Nations Security Council. Working Methods. Colonialism.

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QUE PAZ PODE O CONSELHO DE SEGURANÇA DAS NAÇÕES UNIDAS PROMOVER?

Resumo

Diante do contexto atual de aumento de ameaças à paz e da inação do Conselho de Segurança das Nações Unidas, este artigo se pergunta se o veto dos membros permanentes (P5) é o principal problema da instituição e que paz ela poderia promover. Por meio de revisão bibliográfica a respeito do tema e análise de dados secundários, públicos, foi constatado que os problemas do CSNU não se restringem ao uso imprudente do veto. O CSNU padece de graves problemas de falta de transparência; incompletude e provisoriedade das normas que regulamentam seus métodos de trabalho; falta de controle de legalidade; e reprodução de lógica colonial na distribuição dos temas (*penholdership*) sobre os quais o Conselho se debruça. Assim, a paz que esse órgão poderia promover, caso seus membros chegassem a um consenso, continuaria a reproduzir assimetrias e desigualdades de um mundo cuja sede de justiça não estaria aplacada.

Palavras-chave: Paz. Conselho de Segurança das Nações Unidas. Métodos de Trabalho. Colonialismo.

¿QUÉ PAZ PUEDE PROMOVER EL CONSEJO DE SEGURIDAD DE LAS NACIONES UNIDAS?

Resumen

Ante el contexto actual de aumento de las amenazas a la paz y la inacción del Consejo de Seguridad de las Naciones Unidas, este artículo se pregunta si el veto de los miembros permanentes (P5) es el principal problema de la institución y qué paz podría promover. A través de una revisión bibliográfica sobre el tema y el análisis de datos secundarios públicos, se constató que los problemas del Consejo de Seguridad de las Naciones Unidas no se limitan al uso imprudente del veto. El CSNU adolece de graves problemas de falta de transparencia; incompletitud y provisionalidad de las normas que regulan sus métodos de trabajo; falta de control de la legalidad; y reproducción de la lógica colonial en la distribución de los temas (penholdership) sobre los que se pronuncia el Consejo. Así, la paz que este órgano podría promover, si sus miembros llegaran a un consenso, seguiría reproduciendo las asimetrías y desigualdades de un mundo cuya sed de justicia no se vería saciada.

Palabras clave: Paz. Consejo de Seguridad de las Naciones Unidas. Métodos de trabajo. Colonialismo.

Introduction

The year 2025 marks the 80th anniversary of the United Nations—an anniversary overshadowed by unprecedented budgetary and liquidity crises and by multiple threats to peace. According to the most recent *Policy Position Paper* issued by *The Elders* (2025), the world is experiencing its highest peak of violent conflict since the creation of the UN. In 2024, 59 armed conflicts were recorded in which at least one party was a state actor. This is the highest number of state-based conflicts documented since the end of World War II. Unlike those of the past, today's conflicts are prolonged, with indefinite and uncertain timelines, and peace agreements have become increasingly rare and short-lived, as the peaceful settlement of disputes has reached its lowest point in the last 50 years. Whereas in the 1970s approximately 23% of armed conflicts ended with peace agreements, that number dropped to just 4% in the second decade of the twenty-first century (IEP 2025).

According to the *Global Peace Index* (IEP, 2025)—which measures levels of peace across three broad areas (safety and societal security; ongoing domestic and international conflicts; and militarization)—the goal of global peace appears increasingly distant in 2025, and the world has become less peaceful over the past 17 years. The same report shows that while spending on peacekeeping and peacebuilding represented 0.83% of all military expenditure in 2014, this figure fell even further to 0.52% in 2024. During the same period, the number of peace operations declined by 42%, even as armed conflicts and threats to peace increased.

Against this backdrop, the paralysis and inaction of the United Nations Security Council (UNSC) in ending these violent conflicts—which disproportionately affect women and girls[2]—saving lives, and restoring peace has become increasingly evident. This paralysis is often attributed to the veto power of the permanent members (The Elders 2025). The most recent and striking examples include the Russian Federation's vetoes on matters pertaining to its invasion of Ukraine, and the United States' vetoes against any initiative—even humanitarian ones—aimed at de-escalating the ongoing

2 According to the UN Office of the High Commissioner for Human Rights (OHCHR), conflicts and situations of instability exacerbate pre-existing patterns of discrimination against women. "Women's Human Rights and Gender-Related Concerns in Situations of Conflict and Instability." n.d. *United Nations*. https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability. Accessed December 16, 2025.

genocide carried out by Israel in the Gaza Strip.[3] The report cited above calls for a new international architecture for peace and security, including the abolition of the veto power in the Council, a restructuring of the international financing system, increased global investment in public goods, and the appointment of a woman as the first female Secretary-General of the UN.

With regard to the proposal for a new international architecture for peace and security, while we acknowledge the gravity of the use of the veto in the face of massacres and invasions that render international law little more than symbolic text, we question what kind of peace the Security Council is actually capable of promoting. We argue that the Council's problems go far beyond the abuse that some of its permanent members make of this power, particularly since France and the United Kingdom, for example, have refrained from exercising this prerogative since the end of the Cold War.[4] Any reform of the Security Council should therefore consider, in addition to the veto, the serious issues of lack of transparency; the incompleteness and provisional nature of the rules governing its working methods; the absence of legality oversight; and the lack of legitimacy and democratic representation in the allocation of thematic responsibilities (penholdership) on which the Council focuses—problems that will be critically discussed in the pages that follow.

In this sense, and in view of a scenario marked by challenges that call for bold and genuinely transformative reform proposals, it seems important to present new perspectives through which to analyse a violent world in which war appears not only to have become indefinitely and uninterruptedly prolonged, but also to have penetrated new spaces previously understood as "civilian."

To answer the question "what kind of peace can the United Nations Security Council promote?", we employ a methodology based on a literature review and the analysis of publicly available secondary data. Due to the need to comply with editorial standards and formatting requirements, we limit ourselves to a concise critical presentation of what we consider to be the Security Council's main legal problems, followed by concluding remarks.

3 On September 23, 2025, President Luiz Inácio Lula da Silva addressed the United Nations General Assembly and stated in his speech that "nothing—absolutely nothing—justifies the *genocide* currently underway in Gaza" (emphasis added). Full speech available at https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos-e-pronunciamentos/2025/09/discurso-do-presidente-lula-na-abertura-do-debate-geral-da-80a-assembleia-geral-das-nacoes-unidas. Accessed December 16, 2025.

4 The term "Cold War" refers to the historical period between March 12, 1947, the date of U.S. President Harry Truman's speech launching the struggle against communism, and December 26, 1991, the date of the dissolution of the USSR.

A Brief Critical Overview of the Main Problems of the United Nations Security Council

Among the six organs established by the UN Charter—the Secretariat, the General Assembly, the Economic and Social Council (ECOSOC), the International Court of Justice (ICJ), and the Trusteeship Council (which still formally exists, although it has suspended its activities since 1994)—the United Nations Security Council is the only one endowed with the prerogative to maintain international peace and security, as well as the only body capable of issuing legally binding decisions. Beyond its authority to adopt binding norms, the Security Council's power is further expressed through its exclusive mandate under international law to authorize the legitimate use of force in the situations provided for in Chapter VII of the UN Charter.

There is, however, an important exception to this rule. As we shall see, the Cold War was a period during which the Council experienced genuine paralysis, and the veto power was used extensively. Of the 299 vetoes cast between 16 February 1946 and 18 September 2025, 72% occurred during this historical period. In this context, and at the initiative of the United States—seeking a way to overcome the paralysis caused by repeated vetoes from the Soviet Union—the General Assembly adopted Resolution 377(V), known as Uniting for Peace, which granted the Assembly the subsidiary authority to take measures aimed at the restoration of international peace and security:

> [...] if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. (Security Council Report, Art. 1. UN, A/RES/377, 1950).

Despite having been proposed during the Korean War, the Uniting for Peace resolution was first used to establish the UN's very first peacekeeping mission—the First United Nations Emergency Force (UNEF I). This occurred shortly after the veto cast on 13 October 1956, when France and the United Kingdom rejected draft resolution S/3710, which called for the immediate

cessation of hostilities perpetrated by Israel, France, and the United Kingdom against Egypt, following President Nasser's nationalization of the Suez Canal. It is thus significant that the UN's first peacekeeping mission was authorized by the General Assembly and withdrew, among others, Israeli troops from territory that had been invaded and illegally occupied.

Peace and security, development, and human rights are the three fundamental pillars of the United Nations, and each pillar corresponds to an independent council: the Security Council (UNSC); the Economic and Social Council (ECOSOC); and the Human Rights Council (HRC). While the UNSC and ECOSOC have existed since the UN's founding in 1945, the Commission on Human Rights only attained the status of a Council in 2006, through a resolution of the UN General Assembly and under protest from the United States. The belated institutional elevation of human rights within the UN bureaucracy also reflects the paradigm shift the organization underwent in the 2000s: the effort to reposition and mainstream individual human rights throughout the institution as a whole and, in particular, within debates on peace and security.

When acting under Chapter VII, the Security Council intervenes on a case-by-case basis. Whenever a complaint concerning a threat to the peace is brought before it, Council members first attempt to encourage conciliation between the conflicting parties and to establish principles for a potential peace agreement. They may also promote fact-finding and mediation, deploy a mission to the area, appoint special envoys, or request the Secretary-General's good offices to achieve a peaceful settlement of the dispute. If armed conflict has already begun, the UNSC may issue ceasefire directives aimed at preventing escalation or deploy military observers or a peacekeeping mission to help reduce tensions and separate opposing forces. Additionally, the Council may choose to impose sanctions, including:

a) economic sanctions; arms embargoes; financial penalties and restrictions; and travel bans;
b) severance of diplomatic relations;
c) blockades; or even collective military action.

Chapter V of the United Nations Charter (Arts. 23–32) provides only minimal guidance on the Security Council's structure, membership, functions, and powers, and leaves to the Council itself the authority to adopt its own rules of procedure and to determine the method for selecting its president (Art. 30 of the UN Charter). With regard to its composition, the Council currently has 15 members, consisting of 5 permanent members (P5) and 10 elected members (E10).

In addition to functioning as both a legislative and executive body, the UNSC exercises the authority to determine the admissibility of its own competence; that is, it decides whether a particular situation merits the Council's attention. Once this assessment is made, it is the same body that decides whether it should act and what form that response should take.

Because the Council has never produced a prior or unified definition of "peace," it is the assessment of each concrete situation that determines the response in each case. The San Francisco Charter provides virtually no rules or limitations regarding the Council's functioning and competences. The only real constraint on the Council's authority arises when a matter does not receive the necessary political support to be placed on the agenda or to authorize the sanctions or interventions proposed. In this sense, it becomes crucial to understand the rules and working methods adopted by the UNSC, as well as the power dynamics that shape the institution.

Even today, the Security Council's working methods are regulated in part by a provisional rules of procedure adopted in 1946, which have undergone 11 amendments to date, the eleventh having taken place in 1982 to include Arabic as an official language of the Council's communications. Although no amendment has been made in the past 23 years, the Council has clarified its working methods and procedures through Presidential Notes, the most recent of which was issued on December 13, 2024 (S/2024/507), under the US presidency of Ambassador Linda Thomas-Greenfield. By way of comparison, the UN General Assembly approved its rules of procedure on November 17, 1947, at its second session, through the adoption of resolution 173 (III), which entered into force on January 1, 1948.

In addition to lacking legal force—since it has never been formally approved—the Council's provisional rules of procedure are also highly incomplete. They do not stipulate, for instance, a minimum quorum required to begin a meeting, although in practice it is inconceivable that a meeting would proceed without all 15 members present, even when the format is that of informal consultations (Gharekhan 2006). The provisional rules also fail to specify when a meeting should be held formally or in the format of informal consultations, which take place in a separate room rather than in the Council Chamber. The most recent Presidential Note, in its third paragraph, merely recommends—using vague language—that a balance be maintained between efficiency and transparency in the Council's work. It therefore reaffirms the Council's commitment to holding open and closed meetings, as well as informal consultations, depending on the situation and the stage of deliberation on a given issue. The paragraph further states that, regardless

of the format chosen, the Council must promote transparency in its work.[5] However, how is it possible to promote transparency in informal and closed meetings, in which no record is kept?

The rules contained in Chapter IX of the provisional rules of procedure (rules 48 to 57), which address the publicity and transcription of meetings (recording of meetings is required, whether public or private), refer exclusively to formal meetings held in the Council Chamber. Informal consultations, so widespread a practice that there are dedicated rooms designed specifically for such meetings,[6] are not recorded in any official report of the Council, which prevents us from affirming that the debates occurring in those spaces are governed by the rules of the provisional regulations. Only Council members are permitted inside the consultation room; the press is likewise prohibited from entering these spaces. According to former Indian Ambassador Chinmaya R. Gharekhan, former Permanent Representative of India to the UN and former Under-Secretary-General during the tenure of Boutros Boutros-Ghali, the refrain repeatedly heard from P5 delegates was

> "The Security Council is the master of its procedures" is a maxim, which is often heard in the consultations room, almost always from delegates of the same permanent members referred to earlier, when they want to go against established practices and, often, written rules [...]
> [The result of this lack of transparency is that] The Security Council takes its decisions on the issues brought before it by member states on the basis of the political equations prevailing on each occasion[7] (Gharekhan, 2006, 14–15).

5 The original English wording of the third paragraph reads: "In order to strike the right balance between the transparency and the efficiency of its work, the Security Council reaffirms its commitment to use both open and closed meetings, as well as informal consultations, depending on the situation and the stage in its consideration of a matter. Notwithstanding the choice of format, the Security Council will aim to promote transparency in its work." United Nations Security Council. 2024. Note by the President of the Security Council, December 13, 3. https://docs.un.org/en/S/2024/507. Accessed December 16, 2025.

6 The Security Council Consultation Room is located on the second floor of the Conference Building and had its décor and furniture completely renovated in 2013 through a donation by the Russian Federation. See: Security Council Consultation Room (United Nations 2013). According to Gharekan (2006), the permanent members also have their own exclusive "informal consultation room," located between the ECOSOC Chamber and the Security Council Chambers.

7 "'The Security Council is the master of its procedures' is a maximum heard from delegates of the same permanent members, when they want to go against established practices and, often, written rules [...] the Security Council takes its decisions on the issues brought before it by member states on the basis of the political equations prevailing on each occasion."

One therefore perceives that much of the Security Council's day-to-day functioning and working methods—those moments in which decisions are actually made—derive not from the norms contained in the provisional rules of procedure, much less from the UN Charter, but from practices that emerge during informal consultations and become embedded in the Council's routine. According to the former Indian ambassador (2006), when a formal meeting takes place, the Council convenes and delegates' statements are recorded, but practically all decisions have already been taken beforehand and informally.

The lack of clarity and transparency surrounding the Council's procedural rules is further compounded by the absence of any defined mechanism for reviewing the legality of Security Council decisions before the International Court of Justice, as evidenced in the Lockerbie case.[8] The San Francisco Charter does not specify who may exercise the "arbital function" or who has the final authority to interpret the UN's constitutive document. Libya's attempt to challenge the legality of the Council's resolutions led scholars such as Michael Reisman (1993 quoted in True-Frost 2007) to argue, as early as the 1990s, that the United Nations was facing a "constitutional crisis." Yet more serious than a crisis is the fact that no institution within the UN's bureaucratic structure exercises legality review over Security Council acts. Throughout its entire existence, the UNSC has recommended that two member states bring a dispute before the ICJ only once—in 1947[9]—and has requested an advisory opinion from the Court only once, in 1970.[10] The Council has never exercised its prerogative under Article 94(2) of the UN Charter to enforce ICJ judgments. Moreover, the United States vetoed two draft resolutions[11] that called for full compliance with the ICJ's judgment of 27 June 1986 in the "Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)"

8 In 1988, an airplane was destroyed by a bomb in a terrorist attack and crashed in the Scottish town of Lockerbie, killing 270 people. The United States and the United Kingdom suspected two Libyan officials and demanded that Libya surrender them. To exert pressure, the Security Council adopted Resolutions 731 (1992), 748 (1992), and 883 (1993), condemning the attack and imposing a series of economic, diplomatic, and military sanctions on Libya. Libya contested the actions of the U.S. and the U.K. before the Security Council, arguing that surrendering its citizens would violate the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. In 1992, the Court denied the request for provisional measures, but in 1998 it issued a landmark decision affirming its jurisdiction. Before the Court could rule on the legality of the Council's resolutions, a settlement was reached and the Libyan suspects were handed over and tried by a Scottish court in the Netherlands. This was the first and only time that a country challenged the legality of Security Council actions before the International Court of Justice; to date, the Council has never had its acts judicially reviewed by the Court.

9 The Corfu Channel Case between Albania and the United Kingdom.

10 Through Resolution 284, the UN Security Council requested an advisory opinion from the International Court of Justice on the legal consequences of South Africa's occupation of Namibia.

11 Draft resolution S/18250, submitted by Congo, Ghana, Madagascar, Trinidad and Tobago, and the UAE, was vetoed by the United States on 31 July 1986. A subsequent draft, S/18428, jointly submitted by the same countries, was also vetoed on 28 October 1986.

case.[12] That judgment found that the United States had armed, equipped, and financed paramilitary groups—the Contras—to overthrow Nicaragua's Sandinista government, thereby violating customary international law prohibiting intervention in another state's internal affairs. It also found that the United States had interrupted peaceful maritime commerce, in breach of its obligations under Article XIX of the 1956 Treaty of Friendship, Commerce and Navigation signed in Managua, and therefore that Nicaragua was entitled to compensation.

Between 16 February 1946 and 18 September 2025—the dates of the first and most recent vetoes cast in the Security Council—the veto power was exercised in 299 draft resolutions (United Nations 2025a), 194 of them during the Cold War. The Russian Federation/USSR is the state that has used the veto most frequently in the Council's history, casting it 137 times during that period—98 times as the Soviet Union and 39 times as the Russian Federation. Thus, 64% of all vetoes were exercised during the Cold War.

The veto power, however, is only one facet of the authority exercised by the permanent members within the Security Council. The ability to serve as penholder also reveals much about the current dynamics of dominance and control within the body. In the Council's diplomatic jargon, the penholder is the country that holds the prerogative to propose and draft the initial version of a resolution on a given issue. The practice of determining which state "owns" a particular file is not mentioned anywhere in the Council's provisional rules of procedure and is relatively recent, having emerged in 2003 as part of an informal arrangement when the so-called P3 (the United States, the United Kingdom, and France) attempted to resolve a problem of competition among themselves and thus divided the thematic areas between them:

> To many it has appeared that the predominance of penholding by the P3 has been intended to shut out other Council members, notably the E10, from having drafting opportunities. *But in its origins, the system developed more to resolve the problem of France, the United Kingdom, and the United States sometimes strenuously competing with each other to produce the draft that would gain traction*[13]. (Sievers and Daws 2023, emphasis added)

12 For an analysis of the case and the decisions of the International Court of Justice, see: International Court of Justice 1988.

13 To many it has appeared that the predominance of penholding by the P3 has been intended to shut out other Council members, notably the E10, from having drafting opportunities. But in its origins, the system developed more to resolve the problem of France, the United Kingdom and the United States sometimes strenuously competing with each other to produce the draft that would gain traction.

In a political arrangement that closely resembles the logic employed at the Berlin Conference (1884–1885)—when imperial powers believed that the formula for achieving peace was to partition Africa into colonies and negotiate among themselves who would claim which territory—the P3 concluded that dividing nearly all Security Council files among themselves, while leaving the other 12 members virtually excluded, would be a reasonable solution for ensuring the Council's effectiveness in addressing complex peace and security issues.

At present, the Security Council does not publish any official information on which states may serve as penholders. Based on what we observe in Ireland's statement during the 2022 open debate on the Council's working methods, in the report of the Arria-formula meeting convened by Russia that same year, and in documents from Brazil's *série telegráfica*, there is no explicit or consensually agreed-upon rule defining which countries should serve as penholders.

Of the 46 items currently on the Security Council's agenda in 2025, 32 are controlled by the United States, the United Kingdom, France, or Russia. This number rises even further when we consider country-specific files: the P3 control 19 out of 27 such dossiers. The Western permanent members of the Security Council also hold the authority to propose or copropose resolutions concerning all ongoing peacekeeping missions.

In a letter addressed to the President of the Security Council in March 2023, Ambassador Pedro Comissário Afonso, Permanent Representative of Mozambique, Mali's Foreign Minister, Ambassador Abdoulaye Diop, informed the African country's rejection of France's right to draft resolutions on Mali — an authority it has held in the Council since 2012. The letter followed Mali's 2022 complaint to the Security Council alleging violations of its airspace by France, as well as "acts of aggression, subversion and destabilization" (United Nations, 2023). Mali's request was not granted.

Colonialism is, fundamentally, a discourse about the *Other* in which the *Other* participates only as object—that is, a discourse about the *Other* in which the *Other* possesses no power of speech. As Kilomba (2020) explains, "colonialism is *a long history of imposed silence* [...] of tortured voices, broken tongues, imposed languages, obstructed discourses" (Kilomba 2020, 27) (emphasis added). In this sense, we understand the current division of penholdership within the Security Council as an open colonial wound—one that has been identified and denounced repeatedly. An example is the statement made by the then Permanent Representative of Gabon, Michel Xavier Biang, at an Arria-formula meeting convened by Russia in 2022, in

which he declared: "We [the A3—the three non-permanent African members of the Security Council] would like to hold the pen to ensure the destiny of our peoples" (United Nations 2022).

It is also important to note that the P3's power as penholders goes beyond the prerogative of drafting an initial version of a resolution on a given issue; they are the ones who organize meetings and debates on the file they "own," and they also hold the prerogative to preside over those meetings. According to Gregory (2023), once the draft has been prepared, it circulates first among the P3 and their close allies to gather support; it is then informally shared with Russia and China, and only afterwards with the rest of the Council. The E10 are usually given very little time to propose amendments. Moreover, such amendments tend not to be well received once a consensus has already been reached among the P5, according to the literature consulted and to an informal conversation with a Brazilian diplomat who has twice observed the Council in action.

Final Considerations

The Security Council is an extremely political arena, marked by strong colonial remnants, in which the will and power of the strongest prevail. The veto power is merely one facet of this dominance, exercised at the expense of an environment regulated by legal norms previously agreed upon through a democratic process. The rules governing the Council's working methods reveal transience, lack of transparency, and, above all, subordination to prevailing political interests. These deficiencies are especially troubling when one considers the Council's immense creative power in shaping the law: beyond issuing binding norms, it is the Council that determines what constitutes a threat to international peace and security, thereby creating and defining what does—and does not—represent such a threat, and deciding when, how, and in which territories military intervention and/or economic sanctions will occur. The Council is thus the arbiter of its own competence. It is also well known, since the Lockerbie case, that no external body, not even the International Court of Justice, exercises legality review over the Council's resolutions.

The capacity to build new coalitions and the ability to "navigate" this environment, which often resembles a minefield, seem essential for the E10, who, at great effort, wield limited influence in this organ and consistently

call attention to its colonial practices.[14] The Council is, therefore, a space of unequal power, characterized by the overwhelming dominance of the P5—and especially the P3—yet also marked by constant contestation. The Council's structure favors those who have been there the longest, who better understand its inner workings and master the methods that can be used to achieve specific goals. Even when the E10 succeed in influencing the Council's agenda and bringing new issues to the fore, as occurred with the Women, Peace and Security (WPS) agenda, introduced by Namibia with strong support from Jamaica and Bangladesh, their non-permanent status means that those who are always present ultimately take ownership of these issues. This is also the case with the WPS agenda itself, for which the United Kingdom serves as penholder, while the United States holds the pen on matters relating to sexual violence.

Simultaneously with this reality, beginning in the 2000s, we witnessed an expansion of the UN Security Council's competencies and the gradual replacement of the concept of international security (between nations) with the concept of human security. This shift, in turn, had as its main consequence an increase in the Council's power to legislate and intervene in issues previously not considered within its jurisdiction, effectively transforming the Council into a kind of "super-legislator on all matters."

We understand this increase in the Council's power as an enhancement of its discursive rather than its actual authority, since its capacity to normalize conflicts, as a regulatory body meant to prevent and implement peaceful solutions to disputes, appears to diminish as its competencies expand, especially in light of the growing number of threats to peace.

Thus, we observe that the expansion of the Security Council's competencies was not accompanied by a democratization of the body, nor by greater transparency or representativeness. For this reason, we conclude that the peace this organ might promote, were its members able to reach consensus, would continue to reproduce the asymmetries and inequalities of a world whose thirst for justice would remain unassuaged.

14 In June 2022, Ireland issued a joint statement on behalf of all E10 members, addressing the President of the Council to call for greater coordination between the UNSC and the main UN bodies, notably the Peacebuilding Commission. The statement also called for the implementation of Presidential Note 507 on the Council's working methods; the sharing of current and past Council information and documents with the E10; the need to adopt a "gender lens" in efforts to advance the UNSC's working methods (there is no mention of racial issues); the need to adopt objective and transparent criteria in the Sanctions Committee; the need for penholders to interact more with committees, subsidiary bodies, and working groups; the reminder that no country is above the UN Charter; the call for respect for consensus proposals made by non-permanent members; the restriction of the use of the veto, especially in conflicts that generate serious humanitarian crises; the sharing of the role of penholder; an objective and evidence-based explanation regarding the application of sanctions against individuals and institutions.

References

Gharekhan, Chinmaya R. 2006. *The Horseshoe Table: An Inside View of the UN Security Council*. Pearson Longman.

Institute for Economics & Peace (IEP). 2025. *Global Peace Index 2025: Identifying and Measuring the Factors that Drive Peace*. https://visionofhumanity.org/resources. Accessed September 30, 2025.

INTERNATIONAL COURT OF JUSTICE. *Memorial of Nicaragua* (Compensation). Nicaragua: ICJ, March 29, 1988. https://www.icj-cij.org/node/104513. Accessed May 14, 2024.

Kilomba, Grada. 2020. *Memórias da Plantação: Episódios de Racismo Cotidiano*. Translated by Jess Oliveira. Cobogó.

NAPS—National Action Plans. 2024. *National Action Plans: At a Glance – Explore by Country*. https://1325naps.peacewomen.org/. Accessed February 4, 2024.

Negri, Toni, and Michael Hardt. 2004. *Império*. Translated by Berilo Vargas. Record.

Pontes, Kassius Diniz da Silva. 2018a. "Prefácio." In *Entre o Dever de Escutar e a Responsabilidade de Decidir: O CSNU e os Seus Métodos de Trabalho*. Instituto Rio Branco.

Pontes, Kassius Diniz da Silva. 2018b. *Entre o Dever de Escutar e a Responsabilidade de Decidir: O CSNU e os Seus Métodos de Trabalho*. Instituto Rio Branco.

Sievers, Loraine, and Sam Daws. 2014. *The Procedure of the UN Security Council*. 4th ed. Oxford University Press. https://www.scprocedure.org/chapter-5-section-6i. Accessed May 22, 2024.

The Elders. 2025. *Global Cooperation in a Fragmented World: Policy Position Paper on Multilateralism*. https://share.google/hkO07TuVEdhNCAFzn. Accessed September 27, 2025.

United Nations. 2022. *Arria-Formula Meeting on Penholdership*. Human Security Now. Video, 02:48:35. https://webtv.un.org/en/asset/k1r/k1rvk0abfj. Accessed October 1, 2025.

United Nations. 2025a. *Security Council—Veto List*. https://www.un.org/depts/dhl/resguide/scact_veto_table_en.htm. Accessed October 1, 2025.

United Nations. 2023. *Letter Dated 1 March 2023 from the Permanent Representative of Mali to the United Nations Addressed to the President of the Security Council*. UN Digital Library. https://digitallibrary.un.org/record/4006785?ln=en&v=pdf#record-files-collapse-header. Accessed October 1, 2025.

Nações Unidas. 2019. "Conselho de Segurança 'preocupado' com possibilidade de ebola se 'espalhar rapidamente'." *UN News*. https://news.un.org/pt/story/2019/08/1682261. Accessed May 15, 2024.

United Nations. 2017. *Carta das Nações Unidas e o Estatuto do Tribunal Internacional de Justiça*. https://unric.org/pt/wp-content/uploads/sites/9/2009/10/Carta-das-Na%C3%A7%C3%B5es-Unidas.pdf. Accessed May 15, 2024.

United Nations. Commission on Human Security. 2003. *Commission on Human Security*. Human Security Now. https://digitallibrary.un.org/record/4006785?ln=en&v=pdf#record-files-collapse-header. Accessed May 21, 2024.

FORUM FOR EAST ASIA–LATIN AMERICA COOPERATION (FEALAC): CHALLENGES ON INTERREGIONALISM AND FEALAC

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Abstract

The Forum for East Asia–Latin America Cooperation (FEALAC) is an interregional multilateral institution launched in 1999 to enhance cooperation between Latin America and East Asia in areas such as politics, economy, culture, technology, and education. Comprising thirty-six member states from Latin America and the Caribbean and East Asia and the Pacific, FEALAC seeks to foster mutual understanding, establish new partnerships, and coordinate joint positions on international affairs. A distinctive feature of FEALAC is its deliberate avoidance of excessive institutionalization, operating instead on future-oriented, voluntary, and flexible management principles. However, this pursuit of non-strict institutionalization, combined with the widening socio-economic disparities between the two regions over the past decade, has posed challenges to the kind of cooperation originally envisioned. Furthermore, the scarcity of literature on interregionalism, the theoretical framework through which FEALAC can be understood, remains a barrier to assessing its potential and capacity. Against this backdrop, the present paper brings together existing academic works on interregionalism and FEALAC to inform future studies, focusing on the following questions: What is interregionalism? By which

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category of interregionalism can FEALAC be understood? What remains to be explored in research on interregionalism? What institutional shortcomings are embedded in FEALAC? And finally, does FEALAC face challenges arising from the growing discrepancy between Latin America and East Asia?

Keywords: International Organization; Multilateral Relations; Regional Cooperation.

FORO DE COOPERAÇÃO AMÉRICA LATINA-ÁSIA DO LESTE (FOCALAL): DESAFIOS DO INTERREGIONALISMO E DO FOCALAL

Resumo

O Foro de Cooperação América Latina-Ásia do Leste (FOCALAL) é uma instituição multilateral inter-regional criada em 1999 para reforçar a cooperação entre a América Latina e a Ásia do Leste em áreas como a política, a economia, a cultura, a tecnologia e a educação. Composto por 36 Estados membros da América Latina e do Caribe e da Ásia do Leste e do Pacífico, o FOCALAL procura promover a compreensão mútua, estabelecer novas parcerias e coordenar posições conjuntas sobre assuntos internacionais. Uma característica marcante do FOCALAL é que ele evita deliberadamente a institucionalização excessiva, operando, em vez disso, com base em princípios de gestão voltados para o futuro, voluntários e flexíveis. No entanto, essa busca por uma institucionalização não rígida, combinada com o aumento das disparidades socioeconômicas entre as duas regiões na última década, tem representado um desafio para o tipo de cooperação originalmente previsto. Além disso, a escassez de literatura sobre inter-regionalismo, o quadro teórico através do qual o FOCALAL pode ser compreendido, continua a ser um obstáculo à avaliação do seu potencial e capacidade. Nesse contexto, o presente artigo reúne trabalhos acadêmicos existentes sobre inter-regionalismo o FOCALAL para informar estudos futuros, com foco nas seguintes questões: O que é inter-regionalismo? Em que categoria de inter-regionalismo o FOCALAL pode ser compreendido? O que ainda precisa ser explorado nas pesquisas sobre inter-regionalismo? Quais são as limitações institucionais inerentes ao FOCALAL? E, finalmente, o FOCALAL enfrenta desafios decorrentes da crescente discrepância entre a América Latina e a Ásia do Leste?

Palavras-chave: Organização Internacional; Relações Multilaterais; Cooperação Regional.

FORO DE COOPERACIÓN AMÉRICA LATINA-ASIA ORIENTAL (FOCALAE): DESAFÍOS DEL INTERREGIONALISMO Y DEL FOCALAE

Resumen

El Foro de Cooperación América Latina-Asia Oriental (FOCALAE) es una institución multilateral interregional creada en 1999 para reforzar la cooperación entre América Latina y Asia Oriental en áreas como la política, la economía, la cultura, la tecnología y la educación. Compuesto por 36 Estados miembros de América Latina y el Caribe y de Asia Oriental y el Pacífico, el FOCALAE busca promover el entendimiento mutuo, establecer nuevas asociaciones y coordinar posiciones conjuntas sobre asuntos internacionales. Una característica destacada de FOCALAE es que evita deliberadamente la institucionalización excesiva y, en su lugar, opera sobre la base de principios de gestión orientados al futuro, voluntarios y flexibles. Sin embargo, esta búsqueda de una institucionalización no rígida, combinada con el aumento de las disparidades socioeconómicas entre las dos regiones en la última década, ha supuesto un reto para el tipo de cooperación previsto inicialmente. Además, la escasez de literatura sobre interregionalismo, el marco teórico a través del cual se puede comprender FOCALAE, sigue siendo un obstáculo para evaluar su potencial y capacidad. En este contexto, el presente artículo reúne los trabajos académicos existentes sobre el interregionalismo y el FOCALAE para informar futuros estudios, centrándose en las siguientes cuestiones: ¿Qué es el interregionalismo? ¿En qué categoría de interregionalismo puede entenderse el FOCALAE? ¿Qué queda por explorar en las investigaciones sobre el interregionalismo? ¿Cuáles son las limitaciones institucionales inherentes a FOCALAE? Y, por último, ¿se enfrenta FOCALAE a retos derivados de la creciente discrepancia entre América Latina y Asia Oriental?

Palabras clave: Organización internacional; Relaciones multilaterales; Cooperación regional.

1. Introduction

Established in 1999, the Forum for East Asia–Latin America Cooperation (FEALAC) is an interregional institution that promotes cooperation between Latin America and East Asia. With twenty countries of Central and South America (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela) and sixteen countries of East Asia (Brunei, Cambodia, China, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, the Philippines, Singapore, South Korea, Thailand, Vietnam, New Zealand, and Australia) as member countries, FEALAC is a broad multilateral framework that promotes broadening and strengthening relations between the two regions in economic, social and cultural areas: trade; investment; sustainable development; innovation; micro–, small–, and medium-sized enterprises; socio-political cooperation; science and technology; education; gender; sports; tourism; and youth (Ministry of Foreign Affairs of the Republic of Korea). The forum was established to function as a platform for developing countries to share common issues and experiences and build complementary relations based on each region's comparative advantages (CEPAL 2013).

Despite its goals and symbolic significance as the only existing institution that connects two geographically distinct and distant regions directly and exclusively, the flexible and unrestrictive nature of FEALAC, as well as increasing economic and social disparity between the two regions, raises questions about its potential and capacity. Moreover, the vast socio-economic and cultural differences that exist at the intra-regional level—in other words, between subregions within each region: Central America and South America; Northeast Asia and Southeast Asia; and Northeast, South Asia, and Australia and New Zealand, also impede cooperation at a regional level. To make matters worse, compared to other regional or interregional organizations worldwide, FEALAC has received relatively little academic attention. Interregionalism, the overarching concept encompassing various categories of interregional arrangements through which FEALAC is explained, remains underanalyzed compared to the substantial body of literature on regionalism.

This article seeks to review the literature on FEALAC and interregionalism across five dimensions. First, what is interregionalism, and what types of interregional arrangements exist globally? Second, under which category of interregionalism can FEALAC be examined? Third, what has the scholarship

addressed regarding interregionalism and FEALAC, and which areas remain underexplored? Fourth, what institutional shortcomings are inherent in FEALAC? Fifth, does FEALAC face challenges arising from the growing discrepancies between Latin America and East Asia?

The second chapter lays the groundwork for future studies to address these questions in greater depth, by examining the definition and typologies of interregionalism, as well as the international and theoretical context of its emergence. The third chapter explores the principal factors that led to the establishment of FEALAC in both international and regional contexts. This discussion begins with the historical trajectories of regionalism in Latin America and East Asia, followed by an examination of FEALAC's aims, objectives, and key issues. The chapter further considers the institution's potential and limitations, particularly in light of the widening economic asymmetry between the two regions and the organization's inherently soft nature. Special attention is given to economic indicators such as GDP growth, trade, and foreign direct investment. Building on these findings, the final chapter addresses the challenges facing interregional cooperation within FEALAC and highlights the existing gap in the literature on interregionalism and FEALAC.

2. Interregionalism: Theoretical Perspectives and Historical Background

Several definitions of interregionalism appear in the literature. According to Roloff (2006, 18 quoted in Camroux 2010, 58), interregionalism is a "process of widening and deepening political, economic, and societal interactions between international regions." According to Gilson (2005) interregionalism "represents the interaction of one region with another," and it is a means of managing relations in a globalizing world in which the region works as a central political actor. Doidge (2007, 232) argues that interregionalism is "premised upon a dichotomous relationship between two groups representing geographical/political/economic/cultural regions." Even though the specific wording of these definitions may differ slightly from one scholar to another, their essence is not difficult to grasp: they all converge on the idea of interregionalism as a process of structured interaction and the gradual development of relationships between distinct regions. One of the most noteworthy and distinctive features of interregionalism lies in its variability. Depending on the regions involved, as well as on the issues and thematic priorities placed at the center of cooperation, the character

and substance of interregionalism can shift considerably. In other words, interregional policy is, as Soderbaum et al. argue, "not a fixed set of guidelines but subject to adaptation" (Söderbaum et al. 2005, 367).

The majority of scholars point to the 1990s, and more specifically to the end of the Cold War, as the period in which interregionalism began to spread more visibly across the world. In their view, the rise of this new tendency in international relations can be explained primarily by the collapse of the bipolar international context. Within that earlier framework, interregional relations had been permitted only in a very limited sense, largely confined to transregional alliances and to a few dialogues conducted between groups of states or regional organizations (Hurrell 1995; Meissner 2016; Hänggi 2000; Dent 2003). However, Doidge (2007) traces it back to the first Yaoundé Convention of 1963 between the European Economic Community (EEC) and the Associated African States of Madagascar (AASM). A prevalent idea on interregionalism is that the European Community and European Union constructed the global model of interregionalism, as they did with regionalism (Doidge 2007; Söderbaum et al. 2005). Aggarwal and Fogarty (2005, 327) call the EU the "patron saint of interregionalism" since it has sought interregional linkages with almost every region, including South America, East Asia, Eastern Europe, and various developing countries—except for North America, toward which the EU has shown an absence of interregional strategy.

Interest in interregionalism in the academy was accompanied by "new regionalism" and comparative regional integration studies (Acharya; Johnston 2007 quoted in Camroux 2010, 58). Furthermore, this is well demonstrated in the perspective of Hänggi (2000, 13) on interregionalism as an "ongoing process of globalization and regionalism" and, therefore, a "lasting feature of the international system." According to Gilson (2005), there are many positive functions that interregionalism perform, which are: managing global changes in the structure of the global political economy by addressing transborder financial and political challenges and threats together; fortifying the role of regions as actors; affecting intra-regional identity developments through region-to-region process, facilitating two-way interregionalism; and, lastly, opening space for nonstate actors, such as businesses, citizens and nongovernmental groupings.

The theoretical approaches that seek to explain interregionalism can, in broad terms, be divided into three main branches: realist, liberal-institutionalist, and constructivist. From a realist perspective, interregionalism is primarily understood through the lens of rivalry among regions and the pursuit of balance among different regional actors seeking to maximize their relative power.

In contrast, the liberal-institutionalist perspective interprets interregionalism as a response to the necessity of cooperation between regions, emphasizing the management of complex interdependencies that operate beyond the level of individual regions. Lastly, constructivist theory interprets interregionalism focusing on "identity formation through interregional interaction" (Urgen Ri'iland 1999 quoted in Hänggi 2000, 9). This point of view sees interregionalism as a vital element to constructing a sense of regional identity; in other words, a "sense of regional self." (Gilson 2005, 321–323; Stubbs 2012).

According to Hänggi (2000, 3), there are three main types of interregionalism: (a) relations between regional groupings; (b) bi-regional and transregional arrangements; (c) hybrids, such as relations between regional groupings and single powers. First, relations between regional groupings are called the "prototype of interregionalism," represented by the EU's traditional group-to-group dialogues, which have been developing since the 1970s. Examples include the dialogue between the European Community (EC) and ASEAN that was institutionalized in the 1980s (Lukas 1997; Regelsberger 1990 quoted in Doidge 2007). Other examples of dialogues include the EU–Mercado Comum do Sul (MERCOSUL), the EU–Andean Community, the EU–Rio Group, the EU–Southern African Development Community (SADC), MERCOSUL–ASEAN, MERCOSUL–REC (Regional Economic Communities of the African Union), South Asia Association for Regional Cooperation (SAARC)–ASEAN etc

The second typology of Hänggi is that of bi-regional and transregional arrangements, in which states from other regions could participate individually with other regional coordinations (Urgen Ri'iland 2001, 2 quoted in Hänggi 2000). This type of heterogeneous arrangement took shape within the emerging triangular relationship among the three most significant economic regions of the world: North America, Western Europe, and East Asia. Examples of such interregional linkages include the establishment of APEC in 1989, the Asia–Europe Meeting (ASEM) in 1996, the Europe–Latin America Rio Summit in 1999, and the Africa–Europe Cairo Summit in 2000, culminating above all in the creation of FEALAC in 2001. Lastly are relations between regional groupings and the single dominant power of other regions, such as the USA, China, Japan, and India. Examples of this category are as follows: EU–China, EU–Japan, EU–South Korea, EU–India, EFTA–Mexico, ASEAN–USA, ASEAN–Canada, ASEAN–Australia, ASEAN–New Zealand, and ASEAN–Russia.

Interestingly, the same author, Hänggi, modified his typologies in a book published in 2006: first, he described dialogues between two regional organizations, which are also called "old interregionalism" by the author or "bilateral interregionalism" by Ruland (1999). The first category of

interregionalism involves relationships established between two regional organizations, such as the case of EU–ASEAN or EU–MERCOSUR. The second typology refers to dialogues conducted between a formal regional organization and a more loosely coordinated regional grouping of states, with prominent examples including ASEM and EU–LAC. The third category encompasses dialogues held between two regional groups as such, and it is within this last category that FEALAC is generally situated.

Such confusion in the existing literature, which has not yet been sufficiently clarified, appears to be closely related to the lack of systematic analysis of the phenomenon and to the limited degree of empirical progress that has been made in the study of interregional dialogues. Even the Asia-Europe Meeting (ASEM), the most advanced interregional mechanism, is considered to be in its infancy (Doidge 2007). Despite scholars' noted interests and relevance in the role and meaning of interregionalism, the phenomenon, especially "the role of interregional interactions" and the "relationship between regionalism and interregionalism" have not been sufficiently explored (Meissner 2016; Hänggi 2000, 2; Söderbaum et al. 2005; Camroux 2010).

For example, Soderbaum et al. (2005) pointed out that a comparison of various types of interregionalism and empirical cases around the world in a detailed manner is of great need. Soderbaum et al. (2005) argue that interregionalism ought to be analyzed independently of the conventional framework of regionalism, since interregionalism constitutes an additional level of interaction within the world system, existing alongside regionalism and offering new avenues for structured region-to-region engagement. Furthermore, the complex and often intriguing relationships between interregionalism and the broader dynamics of multilateralism and bilateralism—forms of interaction that in certain respects compete with interregionalism while in other respects serve to reinforce it—require closer scholarly attention. In addition, the potential consequences of interregionalism for the evolution of global governance and for the configuration of the world order are areas that still call for further systematic investigation.

Nevertheless, it must be acknowledged that regionalism provided the essential background from which interregionalism emerged and took shape. For this reason, any serious attempt to approach FEALAC necessarily requires an examination of the historical evolution of regionalism in both Latin America and East Asia, since the patterns of regional cooperation developed in these two areas laid the groundwork for subsequent interregional initiatives. Accordingly, the following chapter is devoted to studying the historical context of regionalism in each region, tracing the main trajectories and identifying

the conditions that made interregional dialogue possible. Building on this historical foundation, the analysis moves to the institutional dimension, with particular attention given to the structure, objectives, and challenges of FEALAC.

3. Forum for East Asia–Latin America Cooperation

3.1 Historical Context of Regionalism in Latin America and East Asia

For countries to decide to cooperate and form institutions or organizations for regional cooperation, it is fundamental that they understand the decisive factors for cooperation, such as the severity of the problems that are present across the region, the level of interdependence with other actors, institutional incentives to cooperate (Dowding and Feiock 2012 quoted in Castro and Castro 2020), as well as shared interests, ideas, norms, and practices that transcend national borders from a constructivist perspective, among others (Ruiz-Camacho 2020; Castro and Castro 2020).

With regard to economic and political cooperation in Latin America, it is important to emphasize that regional integration in the region has historically been grounded in the principles of South–South Cooperation (Cooperação Sul-Sul). Within this framework, developing countries have sought to build cooperative ties on the basis of shared historical experiences, common social structures, and comparable economic conditions. At the same time, it should be noted that the trajectory of Latin American integration has not been linear, but has instead been characterized by a recurring pattern of advances and setbacks that have unfolded over the course of its history (Ruiz-Camacho 2020; Castro and Castro 2020; CEPAL 2016).

The process of regional integration in Latin America has unfolded simultaneously at the level of the continent as a whole and within its different subregions, continuing in a relatively steady manner through four identifiable waves of integration that can be traced across time. These waves extend from the initial efforts of the 1950s and 1960s, through the developments of the 1970s and 1980s, followed by the renewed dynamism of the 1990s, and finally into the more recent experiences of the 2000s and 2010s. Within this broader historical trajectory, the 1990s stand out as a particularly significant decade, during which Brazil sought to reinforce economic integration in the region. Brazil pursued this goal by deepening bilateral relations with Argentina, advancing trade liberalization initiatives, and adopting common external

tariffs, all of which were institutionalized through the establishment of the Mercado Comum do Sul (Dabene 2012). With the inauguration of President Lula in 2002, the momentum of regional integration in South America was further reinforced. During this period, the integration movement increasingly came to revolve around Brazil's leadership, and the country assumed a more prominent role in promoting and coordinating cooperative initiatives among its South American neighbors (Hirst 2006, 131–132; Gomes-Mera 2016), and MERCOSUL was once called "the most successful integration in the region" (Danese 2009).

However, territorial disputes and competition for regional supremacy are sources of rivalry (Ahn and Park 2007). To make matters worse, MERCOSUL has reached a deadlock on account of structural and political asymmetries between member states, the absence of institutions capable of managing the demands resulting from the increase in interdependence, and a low level of integration similar to other regional integrations in South America (Mariano and Junior 2012; Granato 2016; Oliveira and Gonçalves 2010; Terra 2009; Doctor 2013; Veiga 2007; Hijazi 2012; Giordano et al. 2004; Kume and Piani 2005). Indeed, cooperation between countries in the region has significantly decreased from the initial stage of integration (Goméz-Mera 2009). Even though there have been numerous efforts to reinvigorate weakened regional arrangements, according to Ghymers (2005), the Latin American region remains stuck in a typical suboptimal situation of a non-cooperation strategy, characterized by three different obstacles to regional cooperation: personifications arising from monetary, financial, and political aspects (structural asymmetries); the Latin centralization syndrome; and the lack of institutional reputation and credibility (Ghymers 2005; Nunes 2020).

With regard to East Asia, the region displays one of the most intriguing and complex features of regionalism. Unlike the other two components of the triad—Western Europe and North America—East Asia's geopolitical context has long been marked by deep-seated intraregional disputes and by a historical dependence on the United States. These two factors have consistently acted as obstacles to the development of more profound and comprehensive forms of cooperation among the countries of the region. Nevertheless, since the 1990s, Northeast Asia has experienced important transformations. The rapid advancement of technology, together with an increasingly sophisticated division of labor, has fostered the systematization and organization of regional production chains.This, in turn, has stimulated new forms of cooperation among the nations involved, and the expansion of regional market economy has stimulated financial exchange between the countries (Capannelli et al.

2010; Petri 2006). Especially in the 2000s, as China's economy grew drastically and emerged as the core of the production network in East Asia, exports and direct investment toward China increased significantly. As a result, the close connection between production, investment, and trade centered on China became the foundation of economic interdependence among neighboring countries (Lee 2015; Pempel 2007).

Nevertheless, as the term "Asian Paradox" shows, despite their high level of economic interdependence and complementarity, East Asian countries, especially South Korea, China, and Japan, have almost no political, diplomatic, or security cooperation (Manning 1993). Even though these countries are geographically close and have the most significant economies in East Asia, sovereignty and historical issues still dominate regional diplomatic agendas. These issues include a dispute over the Korean territory Dokdo, the illegal Japanese occupation of the Korean Peninsula from 1910 to 1945, as well as of Taiwan and some Chinese territories, comfort women who were forced into sexual slavery by the Japanese army, the North Korean nuclear issue, the arms race, security dependence on the US and the US intervention in the region, and Japan's constitutional revision (Lee 2015).

Besides, the economic conflict between the three countries is escalating. In 2010, China imposed a rare earth embargo on Japan over the Daoyu Dao (Senkaku Islands) territory dispute. (Bradsher 2010). In 2017, China imposed retaliatory economic sanctions on South Korea following Korea's introduction of a missile defense system, the Terminal High Altitude Area Defense (THAAD, Foreign Affairs 2021). In 2019, Japan restricted its exports of key chemicals to South Korea that are vital to making semiconductors and display screens. This was in opposition to the Korean Supreme Court's decision to seize the property of Japanese war criminal enterprises to compensate Korean forced laborers during the Second World War (Bicker 2021).

Nevertheless, despite the conflictual regional context, East Asia has demonstrated advances in regional, subregional, and transregional integration and cooperation frameworks. The 1997–1998 Asian financial crisis revealed limitations of international economic organizations and prompted discussions about regional mechanisms for economic cooperation such as the ASEAN+3, the East Asian Summit (EAS), and the Chiang Mai Initiative (Medallaand Balboa 2010).

In light of this basic understanding of the historical background of regionalism in Latin America and East Asia, the next chapter will focus on an institutional analysis of FEALAC and discussion on its challenges and potential.

3.2 Institutional Analysis on FEALAC

Latin America and East Asia are the two continents separated by the greatest geographical distance, situated almost as antipodes to one another. In addition to this vast physical separation, their distinct social, economic, historical, and cultural backgrounds mean that the two regions share relatively few features in common, a factor that partially explains the limited interactions that have traditionally taken place between them. Nevertheless, the growing global relevance and participation of several key developing countries from both regions, such as Brazil, Chile, and Colombia in Latin America, and China, Japan, and South Korea in East Asia, with the latter playing an especially prominent role, have gradually shifted the world's economic center of gravity from the Atlantic to the Pacific. This transformation also implied that South–South economic linkages and broader cooperation between the two regions would become increasingly significant in the decades to follow.

This transformation in the international political economy generated an increasing need, and at the same time provided justification, for these countries to pursue closer cooperation and to adjust to the new global context. Such adjustments extended across a wide range of issues, reaching beyond the strictly political and economic sphere to include areas such as food and energy security, sustainable development, infrastructure, science and technology, as well as cultural and educational exchanges. Above all, the anticipated expansion of the Asian economy was seen as offering Latin America and the Caribbean an important opportunity to increase and diversify their exports to the region. With major East Asian countries among its member states, FEALAC came to be regarded as a substantial forum in terms of economic variables such as trade, finance, and production, holding the potential to serve as a bridge for deeper bi-regional economic engagement (CEPAL 2013).

The surge of interregional frameworks worldwide also made cooperation between countries in Latin America and East Asia necessary in various fora (Medalla and Balboa 2010). In addition, the international financial crisis also served as a catalyst for the two regions to form an interregional cooperation framework to address critical challenges together. However, due to a lack of institutionalization of high-level political discussions and well-coordinated strategies and plans, the two regions had difficulty establishing formal economic linkages (CEPAL 2013).

In this scenario, in September 1998, Singapore's-then Prime Minister Goh Chok Tong, during a visit to Chile's former president Eduardo Frei Ruiz-Tagle, suggested the idea of establishing a comprehensive interregional multilateral

forum for dialogue and cooperation between Latin America and East Asia. This was in light of the weak cooperation between two regions, despite their outstanding development and increasing relevance in the international economy. The East Asia-Latin America Forum (EALAF) was officially launched in September 1999 at the first Senior Officials' Meeting in Singapore. It was a unique platform for dialogue between the two regions. At the 1st Foreign Ministers' Meeting in Santiago, Chile, in 2001, the forum was renamed Forum for East Asia and Latin America Cooperation (FEALAC).The main objectives of the forum are to increase mutual understanding, trust, political dialogue, and friendly cooperation among member states with a view to enriching and sharing experiences and developing new partnerships; to tap the potential of multidisciplinary cooperation, inter alia, in economy, trade, investment, finance, science and technology, environment protection, culture, sport, tourism, and people-to-people exchanges; and to expand common ground on important international political and economic issues with a view to working together in different international fora in order to safeguard common interests (1st FEALAC Foreign Ministers' Meeting 2001).

The principles of FEALAC are as follows: FEALAC should be forward looking and future oriented. It will be voluntary, informal, and flexible in its working procedures. It will conduct itself in accordance with basic principles of international law, in particular: Respect for each other's sovereignty and territorial integrity; Non-interference in each other's internal affairs; Equality, mutual benefit, and the common goal of development; Respect for each other's unique culture and social values; and Decision-making by consensus (1st FEALAC Foreign Ministers' Meeting 2001).

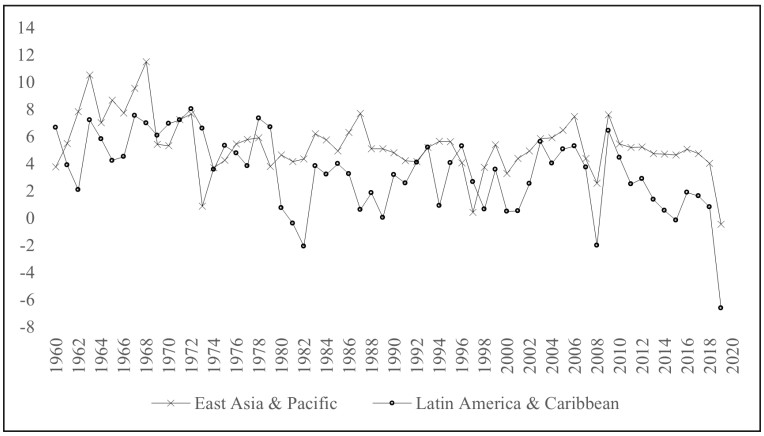
The initiative was highly persuasive and valid, especially during the first decade of the 2000s, when countries from both regions were dynamically emerging in the international economy. Therefore, economic interaction between the regions grew rapidly, complementing their industrial and economic structures. However, the global financial crisis of 2008–2009 stopped the economic growth of developing countries in Latin America and East Asia (CEPAL 2010). Some Latin American commodity exporters, represented by Brazil, due to their increased dependency on exports to East Asia, especially China, experienced a decline in the global prices and exports of itheir oil, minerals, and agricultural (CEPAL 2013).

Since then, Latin America's economic performance has not shown a considerable recovery, while East Asia has quickly returned to its original state. Latin American countries depend a lot more on East Asian countries in terms of trade, which means East Asia determines the interregional trade structure

in FEALAC (CEPAL 2013). Initial levels of income and wealth distribution, as well as economic and social public policies—in other words, inequalities between countries (ECLAC and ESCAP 2019) that existed previously became more extensive. When it comes to comparing with Northeast Asia in specific, the discrepancy becomes far greater.

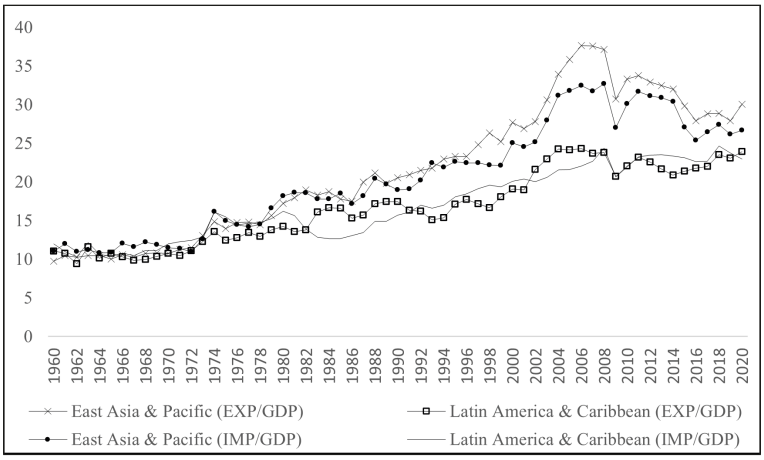
Economic indicators such as GDP, GDP per capita, total exports and imports, and outward flows of Foreign Direct Investment, in addition to demographic factors such as population, reveal a growing asymmetry between the East Asia and Pacific countries of FEALAC and their counterparts in Latin America and the Caribbean. Both historically and in the period following the creation of FEALAC, these indicators have shown a widening gap, with East Asia and the Pacific consistently displaying stronger performance across most measures. This trend of divergence is illustrated in the following graphs.

Graph 1—Annual GDP growth of Latin America & Caribbean and East Asia & Pacific (%, 1960-2020)



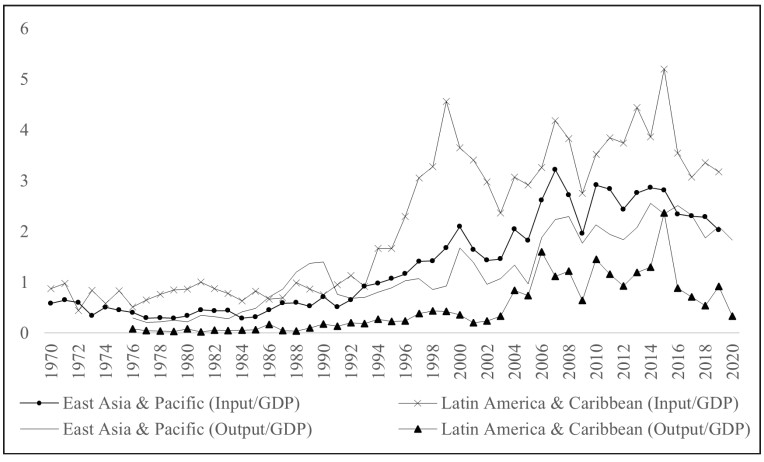
Source: World Bank (2021)

Graph 2—Exports and imports of goods and services of Latin America & Caribbean and East Asia & Pacific (% of GDP, 1960-2020)



Source: World Bank (2021)

Graph 3—Net inflows and outflows of Foreign Direct Investment of Latin America & Caribbean and East Asia & Pacific (% of GDP, 1970-2020)



Source: World Bank (2021)

In addition, FEALAC's framework for dialogue and cooperation on various economic, political, and social issues is weakly institutionalized. Charalambos Tsardanidis argued that although FEALAC "could serve as an effective forum in exchanging views on security issues, all the gatherings of

government officials have failed to advance beyond diplomatic rhetoric, and have not broken down the psychological and mental barriers that still divide the two sides of the Pacific" (Dosch and Jacob 2010).

FEALAC, nevertheless, constitutes a particularly interesting example of interregionalism. Even though the forum has often been criticized for its limited performance, its relatively low profile, and its inability to exert meaningful influence on the policies of national governments—in other words, for its overall reduced visibility, it still represents a unique platform that brings together two geographically distant and historically distinct regions in institutionalized dialogue. Abad believes that FEALAC "contributes to the strengthening of regional identities both in Latin America and in East Asia as much as it helps some of the participating states to reduce their peripheral position in the world order and strengthen their negotiation power" (Dosch and Jacob 2010).

4. Final Considerations: Future Directions for Interregionalism and FEALAC

Despite various efforts and interactions that have taken place between the two regions within the framework of FEALAC, one of its most essential areas of focus, bi-regional trade, has remained relatively low. This limited economic exchange highlights a persistent gap between the ambitious objectives originally envisioned for FEALAC and the concrete outcomes achieved to date (CEPAL 2013). Furthermore, the socioeconomic discrepancies and disparities between Latin America and East Asia have become increasingly pronounced, posing an additional challenge to advancing bi-regional cooperation.

However, the absence of a hostile colonial hierarchy in the historical relationship between the two regions may serve as a positive cornerstone for strengthening interregionalism within the FEALAC framework. This contrasts with the case of EU–ASEAN relations, where the shared history of colonial domination and subordination has often been regarded as a structural obstacle that continues to impede deeper interregional cooperation. In this respect, FEALAC benefits from a more balanced historical foundation, which, if effectively utilized, could facilitate the development of more constructive and forward-looking forms of dialogue between the two regions (Camroux 2010).

Considering that, for many Latin American countries, FEALAC represents the only institutionalized forum through which they engage collectively with East Asia as a region, it becomes imperative that the organization effectively

fulfill its role in implementing and deepening a concrete cooperation agenda. Yet, there is broad agreement that FEALAC currently faces the challenge of addressing an excessively wide range of issues, many of which are not backed by the financial resources necessary to generate meaningful progress. This situation suggests that the forum may need to recalibrate its priorities, concentrating instead on a smaller set of feasible and promising areas where bi-regional cooperation could advance with greater focus, efficiency, and tangible results (CEPAL 2013).

References

Acharya, Amitav, and Alastair Iain Johnston. 2007. "Comparing Regional Institutions: An Introduction." In *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, 1–31.

Aggarwal, Vinod K., and Edward A. Fogarty. 2005. "The Limits of Interregionalism: The EU and North America." *European Integration* 27 (3): 327–46.

Ahn, Hyungdo, and Jehoon Park. 2007**.** *A Politico-Economic Approach to Northeast Asian Regional Cooperation: Search for a New Model and Korea's Strategies*.

Bicker, Laura. 2019. Japan to strike South Korea off trusted export list as rift deepens. *BBC*. August 2. https://www.bbc.com/news/business-49201707

Bradsher, Keith. 2010. Amid Tension, China Blocks Vital Exports to Japan. *The New York Times*. September 22. https://www.nytimes.com/2010/09/23/business/global/23rare.html

Camacho, Paula Ximena Ruiz. 2020. "La Gobernanza Regional de la Cooperación Sur-Sur en América Latina." *Relaciones Internacionales* 44: 87–105.

Camroux, David. 2010. "Interregionalism or Merely a Fourth-Level Game? An Examination of the EU-ASEAN Relationship." *East Asia* 27 (1): 57–77.

Capannelli, G., J. W. Lee, and P. A. Petri. 2010. "Economic Interdependence in Asia: Developing Indicators for Regional Integration and Cooperation." *The Singapore Economic Review* 55 (1): 125–61.

Castro, Rita, and Paulo Castro. 2020. "Estratégias para uma Governança Econômica Integrativa na América Latina e Caribe: O Triângulo da Sustentabilidade." In *Desenvolvimento e Cooperação na América Latina: A Urgência de uma Estratégia Renovada*. Editora da Universidade de São Paulo.

CEPAL; Observatorio América Latina–Asia Pacífico. 2013. *Strengthening Biregional Cooperation Between Latin America and Asia-Pacific: The Role of FEALAC*.

CEPAL; Instituto Lula; BID; CAF. 2016. "Introducción." In *Desarrollo e Integración en América Latina*, 15–33.

Dabène, Olivier. 2012. "Explaining Latin America's Fourth Wave of Regionalism: Regional Integration of a Third Kind." Paper presented at LASA, San Francisco.

Dent, Christopher M. 2003. "From Inter-Regionalism to Trans-Regionalism? Future Challenges for ASEM." *Asia Europe Journal* 1 (2): 223–35.

Doctor, Mahrukh. 2013. "Prospects for Deepening Mercosur Integration: Economic Asymmetry and Institutional Deficits." *Review of International Political Economy* 20 (3): 515–40.

Doidge, Mathew. 2007. "Joined at the Hip: Regionalism and Interregionalism." *European Integration* 29 (2): 229–48.

Dosch, Jörn, and Olaf Jacob, eds. 2010. *Asia and Latin America: Political, Economic and Multilateral Relations*. Routledge.

Dowding, Keith, and Richard Feiock. 2012**.** "Intralocal Competition and Cooperation." In *The Oxford Handbook of Urban Politics*.

ECLAC; ESCAP. 2019. *Reducing Inequality in FEALAC Member Countries: Innovative Analysis to Guide Policymaking That Leaves No One Behind*.

Forum for East Asia–Latin America Cooperation (FEALAC). 2001. *1st FEALAC Foreign Ministers' Meeting*. https://www.fealac.org/new/m/index.do

FEALAC. 2001. *Framework Document*.

Glaser, Bonnie S., and Lisa Collins. 2017. China's Rapprochement with South Korea. *Foreign Affairs*. November 7. https://www.foreignaffairs.com/articles/china/2017-11-07/chinas-rapprochement-south-korea.

Gardini, Gian Luca, and Andrés Malamud. 2018. "Debunking Interregionalism: Concepts, Types and Critique—With a Pan-Atlantic Focus." In *Interregionalism Across the Atlantic Space*, 15–31. Springer.

Ghymers, C. 2005. "Fomentar la Coordinación de las Políticas Económicas en América Latina: El Método REDIMA para Salir del Dilema del Prisionero." In CEPAL, chap. VII, 121–38.

Gilson, J. 2005. "New Interregionalism? The EU and East Asia." *European Integration* 27 (3): 307–26.

Giordano, P., M. M. Moreira, and F. Quevedo. 2004. *El Tratamiento de las Asimetrías en los Acuerdos de Integración Regional*. BID–INTAL.

Gómez-Mera, L. 2009. Domestic constraints on regional cooperation: Explaining trade conflict in MERCOSUR. *Review of International Political Economy*, 16(5), 746–777.

Gómez-Mera, L. 2016. "Lessons from Latin America: MERCOSUR." In *Region-Building in Africa*, 297–312. Palgrave Macmillan.

Granato, L. 2016. "Mercosur, Asimetrías e Integración Productiva: Discusión y Balance a 25 Años de la Creación del Bloque." *Caderno CRH* 29 (77): 381–94.

Hänggi, Heiner. 2000. "Interregionalism: Empirical and Theoretical Perspectives." University of St. Gallen.

Hijazi, H. 2012. *Asymmetries Among the Members of Mercosur.* PhD diss., University of Miami.

Hirst, M. 2006. "Los Desafíos de la Política Sudamericana de Brasil." *Nueva Sociedad* 205: 131–40.

Hurrell, A. 1995. "Regionalism in Theoretical Perspective." In *Regionalism in World Politics: Regional Organization and International Order*, edited by Louise Fawcett and Andrew Hurrell, 37–73. Oxford University Press.

Kume, H., and G. Piani. 2005. "Mercosul: O Dilema Entre União Aduaneira e Área de Livre-Comércio." *Brazilian Journal of Political Economy* 25 (4): 370–90.

Kuwayama, Mikio, Marcelo Lafleur, and José Elías Durán Lima. 2010. *Latin America and Asia Pacific Trade and Investment Relations at a Time of International Financial Crisis*. ECLAC.

Lee, Seungjoo. 2015. "Beyond Asia Paradox: A Critical Review of the Relationship Between Economic Interdependence and Institutionalization." *Journal of Korean Political and Diplomatic History* 36 (2): 167–97.

Lukas, Andreas. 1997. "EC–ASEAN in the Context of Inter-regional Cooperation." In *Western Europe and South-East Asia*, 94–112. Palgrave Macmillan.

Manning, Robert A. 1993. "The Asian Paradox: Toward a New Architecture." *World Policy Journal* 10 (3): 55–64.

Mariano, Marcelo P., and H. R. Júnior. 2012. "Structural Limitations of Mercosur: An Analysis Based on the Brazilian Foreign Policy Positions." *The Latin Americanist* 56 (2): 161–80.

Medalla, Erlinda, and Jenny Balboa. 2009. *Prospects for Regional Cooperation Between Latin America and the Caribbean and Asia Pacific: Perspective from East Asia*. Foro LAEBA, IDB.

Meissner, Katharina Luise. 2016. "A Case of Failed Interregionalism? Analyzing the EU–ASEAN Free Trade Agreement Negotiations." *Asia Europe Journal* 14 (3): 319–36.

Ministry of Foreign Affairs of the Republic of Korea. n.d. Forum for East Asia–Latin America Cooperation (FEALAC).

Nunes, Rodolfo. 2020. "A Cooperação Monetária e Financeira na América Latina: Propostas e Assimetrias Regionais." In *Desenvolvimento e Cooperação na América Latina: A Urgência de uma Estratégia Renovada*. Editora da Universidade de São Paulo.

Oliveira, I. T. M., and S. S. Gonçalves. 2010. *Integrando Desiguais: Assimetrias Estruturais e Políticas de Integração no Mercosul.* Texto para Discussão 1477.

Pempel, T. J. 2007. "Northeast Asian Economic Integration: A Region in Flux." *Asia Pacific Review* 14 (2): 45–61.

Petri, P. A. 2006. "Is East Asia Becoming More Interdependent?" *Journal of Asian Economics* 17 (3): 381–94.

Regelsberger, Elfriede. 1990. "The Dialogue of the EC/Twelve with Other Regional Groups: A New European Identity in the International System?" In *Europe's Global Links: The European Community and Inter-Regional Cooperation*, edited by Geoffrey Edwards and Elfriede Regelsberger. St. Martin's Press, 3–26.

Roloff, Ralf. 2006. "Interregionalism in Theoretical Perspective: State of the Art." In *Interregionalism and International Relations*, edited by Heiner Hänggi, Ralf Roloff, and Jürgen Rüland. Routledge, 37–50.

Shepherd, Benjamin. 2020. *Value Chain Development for Deeper Integration of East Asia and Latin America*. ARTNeT Working Paper Series.

Söderbaum, Fredrik, Patrik Stålgren, and Luk Van Langenhove. 2005. "The EU as a Global Actor and the Dynamics of Interregionalism: A Comparative Analysis." *European Integration* 27 (3): 365–80.

Stubbs, Richard. 2012. "Asia-Pacific Regionalism Versus Globalization: Competing Forms of Capitalism." In *Regionalism and Global Economic Integration*, 78–90. Routledge.

Terra, M. I. 2009. *Mercosul: Treatment of Asymmetries and Economic Growth*. Paper presented at GTAP Annual Conference on Global Economic Analysis.

Urgen Ri'iland, J. 2001. *The EU as an Inter-Regional Actor: The Asia–Europe Meeting. Asia–Europe on the Eve of the 21st Century*, 43.

Veiga, P. M. 2007. "A Experiência Europeia no Tratamento de Assimetrias de Política: Lições para o Mercosul." *Revista Brasileira de Comércio Exterior* 91: 36–63.

AI AND ESG GLOBAL 2025: INTERNATIONAL COOPERATION FOR SUSTAINABLE BUSINESSES

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Abstract

The convergence between artificial intelligence (AI) and ESG[4] is reshaping international cooperation and marks 2025 as a turning point. Milestones such as ISSB/IFRS, the European AI Act, and Brazilian initiatives raise standards of transparency and due diligence, while educational cases (Professor BD-IA, DiplomAI) and corporate platforms show an ecosystem in which the democratization of knowledge coexists with the concentration of power. The article examines regulatory and sectoral implications, identifies opportunities for emerging economies—with an emphasis on Brazil, its more renewable electricity matrix, and the COP30 window—and maps material tensions (energy, data, governance). We propose a practical agenda: interoperable metrics, independent algorithmic auditing, data governance, and public–private partnerships geared toward verifiable impact. The goal is to offer replicable paths to align AI innovation with measurable socioenvironmental results and long-term competitiveness.

Keywords: AI and ESG. Regulatory cooperation. Corporate reporting. Algorithmic auditing. COP30.

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4 ESG stands for Environmental, Social, and Governance, referring to criteria used to assess the sustainability and corporate responsibility of public and private organizations.

IA E ESG GLOBAL 2025: COOPERAÇÃO INTERNACIONAL PARA EMPRESAS SUSTENTÁVEIS

Resumo

A convergência entre inteligência artificial (IA) e ESG está reconfigurando a cooperação internacional e marca 2025 como ponto de inflexão. Marcos como ISSB/IFRS, o AI Act europeu e iniciativas brasileiras elevam padrões de transparência e devida diligência, enquanto casos educacionais (Professor BD-IA, DiplomAI) e plataformas corporativas mostram um ecossistema em que democratização do conhecimento convive com concentração de poder. O artigo examina implicações regulatórias e setoriais, identifica oportunidades para economias emergentes – com ênfase no Brasil, sua matriz elétrica mais renovável e a janela da COP30 – e mapeia tensões materiais (energia, dados, governança). Propomos uma agenda prática: métricas interoperáveis, auditoria algorítmica independente, governança de dados e parcerias público-privadas orientadas a impacto verificável. O objetivo é oferecer caminhos replicáveis para alinhar inovação em IA a resultados socioambientais mensuráveis e competitividade de longo prazo.

Palavras-chave: IA e ESG. Cooperação regulatória. Reporte corporativo. Auditoria algorítmica. COP30.

IA Y ESG GLOBAL 2025: COOPERACIÓN INTERNACIONAL PARA EMPRESAS SOSTENIBLES

Resumen

La convergencia entre inteligencia artificial (IA) y ESG está reconfigurando la cooperación internacional y convierte 2025 en un punto de inflexión. Hitos regulatorios como ISSB/IFRS, el AI Act de la UE y las iniciativas brasileñas elevan los estándares de transparencia y debida diligencia, mientras casos educativos (Professor BD-IA, DiplomAI) y plataformas corporativas muestran un ecosistema donde la democratización del conocimiento coexiste con la concentración de poder. El artículo analiza implicaciones regulatorias y sectoriales, identifica oportunidades para economías emergentes—con énfasis en Brasil, su matriz eléctrica más renovable y la ventana de la COP30—y mapea tensiones materiales (energía, datos, gobernanza). Proponemos una hoja de ruta: métricas interoperables, auditoría algorítmica independiente, gobernanza de datos y alianzas público-privadas orientadas a impacto verificable. El objetivo es ofrecer caminos replicables que alineen la innovación en IA con resultados socioambientales medibles y competitividad de largo plazo.

Palabras clave: IA y ESG. Cooperación regulatoria. Reporte corporativo. Auditoría algorítmica. COP30.

Introduction

The convergence between artificial intelligence (AI) and environmental, social, and governance (ESG) frameworks is reshaping international cooperation by combining data technologies with regulatory frameworks and investor expectations. Between 2024 and 2025, ISSB/IFRS S1–S2[5] standards, the AI Act,[6] and the Corporate Sustainability Due Diligence Directive (CSDDD)[7] raised standards of transparency and due diligence, while national AI plans—notably in Brazil—brought innovation, competitiveness, and ethics closer together. The result is an ecosystem capable of measuring impacts and tracking chains, but which also exposes tensions: energy and water consumption, algorithmic biases, and the concentration of technological power.

In the Brazilian case, the combination a comparatively renewable electricity matrix, industrial policy initiatives, and the COP30 strategic window creates favorable conditions for AI pilot projects geared toward verifiable ESG outcomes. At the same time, the international insertion of companies requires convergence with reporting and due diligence requirements, reinforcing the need for interoperable metrics and data governance (privacy, security, responsible openness).

This article asks how AI can be guided to generate measurable ESG impact while avoiding technological greenwashing[8]. To answer this question, we map recent standards, specialized literature, and educational and corporate cases; furthermore, we propose an implementation agenda: (i) comparable metrics; (ii) independent algorithmic auditing; (iii) data governance; and (iv) public–private partnerships to scale solutions with verification and transparency.

The methodology adopted combines documentary analysis of primary sources (standards, corporate reports, and public policies) with a review of specialized literature on AI and ESG published between 2024 and 2025. The study includes cases and platforms with measurable public data and recognized relevance in international contexts, prioritizing examples that illustrate tensions and opportunities in the convergence between technology and sustainability.

5 The International Sustainability Standards Board (ISSB) is the global body responsible for developing international sustainability standards. In 2024, it released the IFRS S1 (general disclosure) and IFRS S2 (climate-related risks and opportunities) standards, which have been adopted by more than forty countries.

6 The AI Act is the European Union's Artificial Intelligence Regulation (Regulation EU 2024/1689), which classifies AI systems by risk level and sets requirements for transparency, safety, and ethics.

7 The Corporate Sustainability Due Diligence Directive (CSDDD) is a European Union directive requiring large companies to identify and mitigate environmental and social impacts across their value chains.

8 Practice in which companies use technologies (especially AI) to simulate environmental or social commitment without generating real impact, masking polluting or unjust operations with green marketing or manipulated sustainability reports.

1. Existing Mechanisms and Arrangements: The Contradictory Revolution of AI–ESG Cooperation

The global architecture of cooperation for sustainable companies is undergoing an unprecedented metamorphosis, driven by the convergence between AI and ESG principles—and marked by contradictions that expose tensions between innovation and effective sustainability. This is not an incremental adjustment: it is a reconfiguration of the mechanisms of transparency, environmental responsibility, and cooperation among nations, in which technical standards, regulation, and financing instruments are integrated to address transnational challenges, even if they often reproduce inequalities in the economic system.

In this scenario, the International Sustainability Standards Board (ISSB) is the most relevant institutional innovation. Created in 2021 (COP26), it established IFRS S1 and S2, in force since January 2024, as a common language for global comparability of ESG information, reducing transaction costs for multinationals. By September 2025, more than 40 jurisdictions had adopted or implemented these standards, forming a convergent ecosystem that facilitates international cooperation based on comparable and verifiable data.

Table 1. Global AI-ESG Regulatory Milestones: Timeline and Impact (2023–2025)

Regulatory Milestone	Jurisdiction	Implementation Date	Affected Companies	Estimated Impact	Contradictions Identified
IFRS S1/S2	Global (40+ countries)	January 2024	50,000+ multinational companies	Global ESG corporate standardization	Costs favor large corporations
AI Act (EU 2024/1689)	European Union	August 2024	15,000+ AI companies	€ 50 billion in compliance	Barriers for sustainable startups
CBAM	European Union	October 2023	10,000+ importers	€ 9 billion in annual revenue	Disguised protectionism
CVM 193 (Brazil)	Brazil	October 2023	400+ publicly traded companies	Pioneering spirit in the Global South	Uneven implementation
CSDDD	European Union	May 2024	5,000+ multinationals	Mandatory due diligence	Complexity for SMEs
PBIA 2024-2028	Brazil	January 2024	9 million companies	R$ 23 billion in investments	Concentration in large centers

Source: Authors' elaboration based on data from the IFRS Foundation, European Commission, CVM Brazil, and MCTI (2024–2025).

Brazil emerged as a pioneer through the Brazilian Securities and Exchange Commission (CVM), the world's first regulatory authority to make the adoption of IFRS S1 and S2 standards mandatory. CVM Resolution 193 established an ambitious timetable that demonstrates how emerging economies can lead regulatory innovation, but also reveals challenges of uneven implementation among companies of different sizes and regions. This pioneering spirit reflects a deliberate international positioning strategy that combines regulatory leadership with competitive advantages in renewable energy, earning recognition through UNCTAD's ISAR Honors award.

The European Union has consolidated its position as a global regulatory laboratory through three instruments that redefine rules for multinational companies but also create potential barriers to sustainable innovation in emerging economies. The AI Act establishes the first comprehensive horizontal framework for AI, creating risk classifications and algorithmic transparency obligations that integrate with sustainability reporting, while also generating compliance costs that may favor large corporations over innovative startups.

Table 2. Energy Consumption vs. ESG Benefits: Critical Analysis of AI Applications

AI Application	Annual Energy Consumption	Main ESG Benefit	ESG Efficiency	Systemic Contradictions
ChatGPT-4 (1M queries)	340 MWh	Democratization of knowledge	Medium	Concentration in Big Tech
Data center optimization	1,000 MWh	–30% total emissions	High	Location based on tax incentives
Forest monitoring	50 MWh	Deforestation prevention	Very high	Dependence on private satellites
ESG algorithmic trading	500 MWh	Climate risk analysis	Medium	Financial speculation
Precision agriculture	100 MWh	–25% pesticide use	High	Exclusion of small producers
Educational agents	5 MWh	Professional training	High	Persistent digital divide

Source: Own elaboration based on data from Carbon Brief, Microsoft AI for Earth, Google Environmental Insights, and critical analyses (2025)

The corporate response is ambiguous: leaders gain advantages by integrating AI and ESG, but the location of data centers still favors tax incentives over environmental criteria. Example: Microsoft (AI for Good Lab) reports less than 30% emissions, while Amazon continues to expand centers in fossil-fuel-dependent regions when incentives are attractive, highlighting the need to align economic incentives with ESG objectives. The education

sector, on the other hand, is emerging as a field for inclusive experimentation: "Professor BD-IA" (Breno Dumas, MBA Mackenzie) offers free personalized support in innovation and entrepreneurship, democratizing access; "DiplomAI" (Giovana Bernardo) integrates AI with International Relations and contributes to SDGs 4 and 10, addressing inequalities in higher education. These cases illustrate how universities can incubate AI–ESG solutions that transcend market logic and generate genuine social impact through the democratization of knowledge.

Table 3. Multilateral AI–ESG Initiatives: Resources, Results, and Limitations (2024–2025)

Initiative	Organization	Resources mobilized	Approved projects	Beneficiary countries	Structural limitations
AI for Climate Program	Green Climate Fund	US$ 2 billion	47 projects	23 countries	Excessive bureaucracy
Technology Mechanism	UNFCCC	US$ 1.5 billion	120 projects	35 countries	Dependence on donors
AI for Good	ITU/UN	US$ 500 million	400+ projects	80 countries	Lack of coordination
Amazon Fund	BNDES/ Brazil	R$ 2.5 billion	150 projects	9 states	Political pressures
Digital for Development	World Bank	US$ 3 billion	200 projects	50 countries	Neoliberal conditionalities

Source: Own elaboration based on official reports and critical analyses by GCF, UNFCCC, ITU, BNDES, and World Bank (2024-2025).

Multilateral mechanisms are advancing, but with structural limitations. The Green Climate Fund launched the AI for Climate Program (US$ 2 billion), but bureaucratic hurdles reduce its short-term impact. The Amazon Fund reached a record approval of R$ 1.189 billion (first half of 2025), but remains vulnerable to political pressures. In the Brazilian private sector, there is growing sophistication: Vale monitors 800,000 hectares in real time (Forest Monitoring System), preventing more than 200 incidents; Petrobras uses ANNA[9] and achieves a 15% reduction in energy consumption; Itaú and Bradesco are at the forefront with ESG Analytics/Green AI, directing more than R$ 50 billion to sustainable projects. The broader picture shows a dynamic ecosystem in which innovation, regulation, and social demands evolve with, but also reproduce

9 ANNA is Petrobras' artificial-intelligence–based virtual assistant, used to optimize internal processes and reduce energy consumption in the company's industrial operations.

contradictions: the AI–ESG convergence enables new forms of cooperation and, at the same time, new forms of power concentration and exclusion. The necessary response: evidence-based governance, technological democratization, and international cooperation oriented toward social justice.

2. AI Tools for Global ESG: The Technological Revolution in Corporate Sustainability

AI–ESG tools have made the new model of international cooperation tangible: they democratize access, measure impact, and convert data into action (from the classroom to real-time environmental monitoring). The market is growing (from US$ 182.34 billion to US$ 846.75 billion by 2032; CAGR[10] 20.3%), with a 40% reduction in processing time, a 25% increase in risk forecasting, and alignment between financial return and sustainability.

Table 5. AI Tools for ESG: Categories, Applications, and Measurable Impact (2024–2025)

Category	Tool/Platform	Developer	Main Application	Quantified ESG Impact	Business ROI
Educational	BD-IA Professor	Breno Dumas	MBA AI-Business training	2,500+ users trained	20:1
Educational	DiplomAI	Giovana Bernardo	Democratization of IR	800+ students benefited	15:1
Monitoring	Microsoft AI for Earth	Microsoft	Environmental conservation	–30% emissions data centers	12:1
ESG analysis	IBM Watson ESG	IBM	Climate risk analysis	25% improvement in forecasts	18:1
Optimization	Google Carbon Sense	Google Cloud	Carbon footprint management	–40% customer emissions	22:1
Financial	Persefoni Platform	Persefoni	Carbon accounting	90% reduction in reporting time	35:1
Supply Chain	Salesforce Net Zero	Salesforce	Supply chain tracking	60% improvement in transparency	14:1

Source: Own elaboration based on corporate reports, academic studies, and market data (2024-2025).

10 CAGR stands for Compound Annual Growth Rate, a metric expressing the average annual growth of a value over a period, considering compound interest.

The education sector acts as a laboratory for these dynamics: pioneering initiatives show how AI can democratize knowledge, generate measurable impacts, and counter models that prioritize efficiency alone. Professor BD-AI integrates education, technology, and sustainability by providing personalized project support, recording tasks, monitoring progress, and suggesting next steps, while also connecting academic content to the market through trend radar and dashboards. Reported results indicate a shift from "academic activity" to an essential tool that inspires the creation of users' own agents, producing multiplier effects. In parallel, DiplomAI applies AI to the teaching of International Relations and contributes to the 2030 Agenda (SDGs 4 and 10), combining pedagogical innovation, academic inclusion, and social impact to reduce inequalities and build a learning community. These case studies illustrate how universities can incubate AI–ESG solutions that go beyond corporate logics and create genuine social value.

Table 6. Corporate AI–ESG Tools: Critical Analysis of Effectiveness and Contradictions

Company	Tool	Stated Benefit	Measurable Real Impact	Systemic Contradictions	Net ESG Score
Microsoft	AI for Earth	Global conservation	1,000+ projects, -30% emissions	Data centers in carbon-intensive regions	7.2/10
Google	Environmental Insights	Sustainable cities	500+ cities benefited	Advertising for fossil fuels	6.8/10
Amazon	AWS Sustainability	Green cloud	–76% carbon intensity	Carbon-intensive logistics	6.5/10
IBM	Watson ESG	Risk analysis	25% improvement in forecasts	Contracts with polluting industries	7.0/10
Salesforce	Net Zero Cloud	Emissions tracking	150,000+ user companies	Energy-intensive SaaS model	7.5/10
Tesla	Autopilot AI	Sustainable mobility	50% reduction in accidents	Intensive mining for batteries	6.9

Source: Own elaboration based on sustainability reports,[11] independent analyses, and third-party data (2024–2025).

The AI–ESG corporate ecosystem is marked by measurable gains and contradictions. The following tools were selected for their market relevance,

11 Data extracted from corporate sustainability reports published between 2024 and 2025: Microsoft (AI for Earth), Google (Environmental Insights Explorer), Amazon (AWS Sustainability), IBM (Watson ESG), Salesforce (Net Zero Cloud), Tesla (Autopilot AI).

global scale, and publicly available recent data. Microsoft, through AI for Earth (supporting more than 1,000 projects) and a 30% reduction in data center emissions, is simultaneously expanding infrastructure in fossil fuel regions when incentives are available. Google, via the Environmental Insights Explorer (supporting more than 500 cities), continues to derive advertising revenue from oil and gas companies. Amazon reports a 76% reduction in AWS's carbon intensity,[12] yet its global logistics remain emission-intensive. IBM Watson improves ESG risk forecasts (+25%), while maintaining contracts with polluting industries. Salesforce, with Net Zero Cloud (used by more than 150,000 companies), operates an energy-intensive SaaS model.[13] Conclusion: the same companies that enable metrics and emission reductions also reproduce practices that strain their own commitments, requiring interoperable metrics, independent auditing, and consistency between products, revenue streams, and operations.

Table 7. Specialized AI Agents: Sector Applications and Measurable Results

Sector	Agent/ System	Specific Function	Processed Data	ESG Impact	Limitations Identified
Agriculture	John Deere AI	Precision agriculture	50 million hectares/year	–25% pesticides, +15% productivity	Exclusion of small producers
Energy	Stem AI	Storage optimization	2.5 GWh managed	–20% energy costs	Dependence on lithium batteries
Financial	BlackRock Aladdin	Climate risk analysis	$ 20 trillion in assets	30% improvement in ESG allocation	Concentration of financial power
Oceans	Ocean Mind AI	Illegal fishing detection	100 million km² monitored	40% reduction in illegal fishing	Coverage limited to satellites
Forests	Global Forest Watch	Deforestation monitoring	10 million alerts/year	–15% deforestation detected	Slow response from authorities
Cities	Sidewalk Labs	Urban planning	50+ pilot cities	–30% urban emissions	Privacy concerns

Source: Own elaboration based on sector reports, case studies, and impact data (2024-2025).

12 Amazon Web Services (AWS) is Amazon's cloud-computing platform, which hosts digital services and data from thousands of companies worldwide, including AI- and sustainability-related solutions.

13 Software as a Service (SaaS) is a software delivery model in which applications are cloud-hosted and accessed via the internet, typically through subscription. Although efficient, it may require high computational capacity and large-scale energy consumption.

Specialized agents accelerate ESG results but also reveal asymmetries. In agriculture, John Deere processes more than 50 million hectares, cuts pesticide use by 25%, and increases productivity by 15%—yet access remains concentrated. In the energy sector, Stem Inc. optimizes 2.5 GWh and reduces costs by 20%, but depends on lithium, which carries environmental impacts. In finance, Aladdin/BlackRock covers US$ 20 trillion in assets, improves ESG allocation by 30%, but concentrates power. In oceans and forests, Ocean Mind (monitoring 100 million square kilometers; 40% reduction in illegal fishing in targeted areas) and Global Forest Watch (more than 10 million alerts per year; 15% reduction in detected deforestation) face coverage and public response issues. At the same time, Professor BD-IA and DiplomAI demonstrate that educational AI democratizes knowledge and empowers broad audiences, while corporate solutions tend to reproduce inequalities of access. Guideline: regulation should prioritize verifiable impact and foster AI–ESG models with technical excellence and social responsibility.

3. Opportunities for Emerging Economies in the AI–ESG Era

Emerging economies have a window of opportunity to lead the AI–ESG phase by combining technological leapfrogging[14] with South-South cooperation, converting structural challenges into competitive advantages. This leadership can be consolidated through the intelligent use of natural resources, young human capital, and agile regulatory frameworks, generating replicable models of sustainable development. Brazil stands out as a paradigmatic case: the PBIA[15] 2024–2028 mobilizes R$ 23 billion toward technological sovereignty with social responsibility, positioning AI as a catalyst for inclusion, sustainability, and international competitiveness. The projected adoption by 9 million companies by 2025 signals an ecosystem capable of inspiring other nations to adapt similar strategies to their realities.

14 Technological leapfrogging refers to the phenomenon in which countries or sectors "skip stages" of traditional development by directly adopting advanced technologies without passing through intermediate phases.

15 The Brazilian Artificial Intelligence Plan (PBIA) 2024–2028 is Brazil's national AI policy, coordinated by the Ministry of Science, Technology and Innovation (MCTI), focused on promoting innovation, sustainability, and digital inclusion.

Table 8. Competitive Advantages of Emerging Economies in AI-ESG (2024–2025)

Country/ Region	Main Advantage	Quantified Indicator	AI–ESG Potential	Main Challenge	Competitive Score
Brazil	Renewable energy matrix	88.2% clean energy	Leadership in green data centers	Digital infrastructure	8.5
India	Tech human capital	5M+ AI professionals	Scalable solutions	Social inequality	7.8/10
China	Implementation scale	1.4B population	Systemic efficiency	Transparent governance	8.2
South Africa	Critical mineral resources	80% of the world's platinum	Sustainable mining	Political stability	6.9/10
Indonesia	Biodiversity	17% of global species	Digital conservation	Technical training	7.1/10
Mexico	Proximity to the US	USMCA integration	Green nearshoring	External dependence	7.4/10
Nigeria	Young demographics	60% pop. <25 years old	Disruptive innovation	Basic infrastructure	6.7/10

Source: Authors' elaboration based on data from the World Bank, OECD, UNCTAD, and national reports (2024–2025).

With 88.2% renewable energy, Brazil can host low-carbon AI (–70%), at lower costs and greater predictability. The 2025 BRICS directive (Lula) frames AI as a public good. Through South–South cooperation (UNOSSC), emerging countries scale up training and R&D and convert this advantage into replicable and competitive solutions.

Table 9. South-South Cooperation Initiatives in AI–ESG: Concrete Cases and Results

Initiative	Participating Countries	Main Focus	Investment	Results 2024–2025	Projected Impact 2030
BRICS Sustainable AI	Brazil, Russia, India, China, South Africa	Ethical Standards AI	$ 2.5 billion	15 pilot projects	500 million people benefited
Amazon Digital Alliance	Brazil, Colombia, Peru, Ecuador	Forest monitoring	$ 800 million	–12% deforestation	80% satellite coverage
African Green AI Network	South Africa, Kenya, Ghana, Nigeria	Renewable energy	$ 1.2 billion	200MW capacity	50% renewable matrix
Sustainable Asian Corridor	India, Indonesia, Vietnam, Thailand	Smart cities	$ 3.1 billion	25 pilot cities	100 million connected residents
Andean Climate Pact	Chile, Peru, Colombia, Ecuador	Precision agriculture	$ 600 million	2 million hectares optimized	40% reduction in pesticides

Source: Authors' elaboration based on reports from multilateral organizations, national governments, and development institutions (2024–2025).

Brazil exercises concrete leadership with measurable results. The Amazon Digital Alliance (Brazil–Colombia–Peru–Ecuador) uses AI for real-time monitoring of more than 5 million km², detecting illegal deforestation with 95% accuracy in less than 24 hours and reporting a 12% reduction in monitored areas—proof that regional cooperation combined with technology generates tangible environmental impact. COP30 (Belém, 2025) represents a historic opportunity to consolidate leadership in sustainable AI and set precedents for cooperation oriented toward social and environmental impact. The government has already signaled a pilot workshop on "AI and Climate Change" with the potential to mobilize more than US$ 10 billion by 2030; more than the resources themselves, its value lies in offering a replicable template for how developing countries can lead sustainable innovation by integrating technology, diplomacy, and environmental responsibility.

Table 10. Replicable AI–ESG Models: Lessons from Emerging Economies

Model	Country Of Origin	Key Characteristics	Implementation Costs	Measurable Benefits	Replicability
Green Data Centers	Brazil	100% renewable energy	$500 million initial investment	–70% emissions, –30% costs	High (tropical countries)
Inclusive educational AI	India	Free multilingual access	$50M development	10M students benefited	Very High (global)
Precision Agriculture	Israel/ Brazil	Water resource optimization	$200 million infrastructure	–40% water, +25% productivity	High (arid regions)
Environmental Monitoring	Costa Rica	Biodiversity conservation	$100M sensors/AI	+15% protected areas	High (biodiverse countries)
Smart Cities	Singapore/ Korea	IoT-AI-ESG integration	$1B urban investment	-25% urban emissions	Average (planned cities)
Sustainable Fintech	Kenya/ Brazil	Green financial inclusion	$150M digital platforms	50M people with access to banking services	Very high (emerging countries)

Source: Authors' elaboration based on case studies, government reports, and analyses by international organizations (2024-2025).

The replicability of AI–ESG models requires local adaptation, but core principles are transferable across emerging countries. Brazil's model of green data centers can inspire regional networks in countries with abundant solar (Morocco, Chile) or wind (Argentina, Uruguay) energy, enabling the creation of low-carbon AI infrastructure. The Indian model of inclusive educational AI

demonstrates how to democratize access and can be mirrored in systems facing similar challenges; in Brazil, Professor BD-IA and DiplomAI highlight the role of universities as laboratories for scalable innovation. In precision agriculture, Israel–Brazil cooperation offers a template for contexts of water scarcity and soil degradation, with high relevance for Sub-Saharan Africa, Central Asia, and parts of Latin America. A short window remains for emerging countries to consolidate AI–ESG leadership before dominant models crystallize: doing so requires infrastructure, human capital, innovative regulatory frameworks, and strategic cooperation. The Brazilian experience suggests that it is possible to lead by integrating technology with social justice and sustainability, provided there is long-term vision, continuous investment, and international coalitions committed to inclusive and responsible development.

Conclusion

The convergence of AI and ESG is already producing structural transformation in international cooperation. In 2025, IFRS S1–S2 (ISSB), the AI Act, and the Brazilian AI Plan will consolidate a governance architecture that integrates innovation, social responsibility, and sustainability. Brazil's pioneering adoption of IFRS standards demonstrates how emerging countries can lead regulatory shifts with practical effects on corporate routines. The ecosystem of tools combines educational initiatives (Professor BD-IA, DiplomAI) and corporate platforms, revealing the coexistence of democratization and concentration of power according to regulatory choices. For emerging countries, natural assets, a renewable electricity matrix, human capital, and innovative milestones enable AI infrastructures with lower footprints, attracting ESG-aligned capital. South–South cooperation, the Amazon Digital Alliance, BRICS, and COP30 can scale up financing and common standards—so long as promises translate into measurable results. As a baseline (Sep/2025), we recommend: (i) infrastructure with impact-oriented regulation; (ii) endogenous capabilities (university–business–government); (iii) South–South coalitions; (iv) leveraging specific advantages (renewable energy) for competitive differentiation. The window is short: today's choices will define technological democratization or concentration in the next decade.

References

AI's $4.8 Trillion Future: UN Trade and Development Alerts on Divides, Urges Action. 2025. *UNCTAD*, April 7. https://unctad.org/news/ais-48-trillion-future-un-trade-and-development-alerts-divides-urges-action. Accessed December 17, 2025.

Bernardo, Giovana. 2025. "DiplomAI: Agente de IA para Relações Internacionais." *LinkedIn*. Accessed August 2025.

Bioy, Hortense. 2025. "Global ESG Fund Flows Rebound in Q2 2025 Despite ESG Backlash and Geopolitical Uncertainty." *Morningstar*, July 25. https://www.morningstar.com/sustainable-investing/global-esg-fund-flows-rebound-q2-2025-despite-esg-backlash-geopolitical-uncertainty. Accessed December 16, 2025.

Blanchet, Atahualpa. 2025. "Smart Cities in the BRICS: Artificial Intelligence, South–South Cooperation, and the Future of Sustainable Urban Development." *BRICS*, May 30. https://brics.br/en/news/articles/smart-cities-in-the-brics-artificial-intelligence-south-south-cooperation-and-the-future-of-sustainable-urban-development. Accessed December 2025.

Brazil. Comissão de Valores Mobiliários. 2024. "CVM Recebe Prêmio ISAR Honours." November 7. https://www.gov.br/cvm/pt-br/assuntos/noticias/2024/cvm-recebe-premio-isar-honours-por-pioneirismo-regulatorio-na-adocao-de-reporte-de-sustentabilidade-nos-padroes-internacionais. Accessed December 16, 2025.

Brazil. Ministério da Agricultura e Pecuária. 2024. *Plano ABC+ Supera Metas*. https://www.gov.br/agricultura/pt-br/assuntos/sustentabilidade/plano-abc-mais. Accessed August 2025.

Brazil. Ministério da Ciência, Tecnologia e Inovações. 2024. *Plano Brasileiro de Inteligência Artificial (PBIA) 2024–2028*. August 7. https://www.gov.br/lncc/pt-br/assuntos/noticias/ultimas-noticias-1/plano-brasileiro-de-inteligencia-artificial-pbia-2024-2028. Accessed December 16, 2025.

Brazil. Ministério do Meio Ambiente. 2025. *Fundo Amazônia Aprova Recursos Recordes*. https://www.gov.br/mma/pt-br/assuntos/fundo-amazonia. Accessed September 2025.

Brazil Launches the Brazilian Artificial Intelligence Plan 2024–2028. 2024. *UNCTAD*, July 30. https://investmentpolicy.unctad.org/investment-policy-monitor/measures/4930/launches-the-brazilian-artificial-intelligence-plan-2024-2028. Accessed December 17, 2025.

COP30 Brasil. 2025. *AI Climate Academy*. https://cop30.br/pt-br/iniciativas/ai-climate-academy. Accessed September 2025.

DataM Intelligence. 2025. *AI in ESG & Sustainability Market Size*. July 16. https://www.prnewswire.com/news-releases/ai-in-esg--sustainability-market-set-to-surge-to-us-846-75-billion-by-2032--driven-by-generative-ai-and-regulatory-push--according-to-datam-intelligence-research-report-302541252.html. Accessed December 16, 2025.

D'Auria, Maiva. 2025. "'Artificial Intelligence Must Not Be a Privilege for the Few, nor a Tool of Manipulation in the Hands of Millionaires,' Declared Lula at the BRICS Summit." *BRICS*, July 7. https://brics.br/en/news/artificial-intelligence-must-not-be-a-privilege-for-the-few-nor-a-tool-of-manipulation-in-the-hands-of-millionaires-declared-lula-at-the-brics-summit. Accessed December 16, 2025.

Domingo, Mario Marlito R. 2025. "The Impact of Artificial Intelligence on ESG: A Conceptual Framework for Practitioners and Policymakers." *Journal of Management for Global Sustainability* 13 (1). https://archium.ateneo.edu/jmgs/vol13/iss1/2. Accessed December 16, 2025.

FUNAG. 2025. *International Seminar: Artificial Intelligence and Climate Change*. January 28. Video, 09:09:50. https://www.youtube.com/watch?v=lgOgF8gCXFM. Accessed December 16, 2025.

Gabbatiss, Josh. 2025. "AI: Five Charts That Put Data-Centre Energy Use—and Emissions—into Context." *Carbon Brief*, September 15. https://www.carbonbrief.org/ai-five-charts-that-put-data-centre-energy-use-and-emissions-into-context/. Accessed December 16, 2025.

Giambertoni, Marzia, and Ismael Arciniegas Rueda. 2025. *Digital Dams: How U.S.–Brazil AI Cooperation Could Help Unlock Sustainable Infrastructure*. Rand Corporation, April 10. https://www.rand.org/pubs/commentary/2025/04/digital-dams-how-us-brazil-ai-cooperation-could-help.html. Accessed July 2025.

IFC; Amundi. 2024. *Artificial Intelligence Solutions to Support ESG Analysis*. https://www.ifc.org/wps/wcm/connect/publications_ext_content/ifc_external_publication_site/publications_listing_page/artificial-intelligence-solutions-support-esg-analysis. Accessed July 2025.

ILO. 2025. *United Nations Day for South–South Cooperation 2025: Artificial Intelligence and SSTC*. https://www.ilo.org/global/about-the-ilo/newsroom/events/WCMS_889877/lang–en/index.htm. Accessed August 2025.

ILIA Digital. 2025. "Inteligência Artificial no Brasil: 9 Milhões de Empresas Já Adotaram IA em 2025." August 29. https://ilia.digital/inteligencia-artificial-no-brasil-9-milhoes-de-empresas-ja-adotaram-ia-em-2025/. Accessed December 16, 2025.

Khaddam, Ahmad A., and Ahmad Alzghoul. 2025. "Artificial Intelligence-Driven Business Intelligence for Strategic Energy and ESG Management: A Systematic Review of Economic and Policy Implications." *International Journal of Energy Economics* 15 (4).

Mezzi. 2025. *Sector-Specific ESG Screening with AI*. May 31. https://www.mezzi.com/blog/sector-specific-esg-screening-with-ai. Accessed December 16, 2025.

Rane, Nitin, Saurabh Choudhary, and Jayesh Rane. 2024. "Artificial Intelligence Driven Approaches to Strengthening ESG Criteria in Sustainable Business Practices: A Review." *SSRN Electronic Journal*, May 27. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4843215. Accessed December 17, 2025.

Ribeiro, M. M. 2025. "Inteligência Artificial nas Organizações Públicas Brasileiras." *Revista de Administração Pública* 59 (2). https://doi.org/10.1590/0034-761220250089.

South–South Cooperation: An Engine for Transformational Change in Achieving the 2030 Agenda. 2025. UNOSSC, May 26. https://unsouthsouth.org/2025/05/26/south-south-cooperation-an-engine-for-transformational-change-in-achieving-the-2030-agenda/. Accessed December 17, 2025.

UNOSSC. 2025. *Leveraging AI for Sustainable Development Through South–South Cooperation*. May 16. https://www.un.org/en/un-entities/unsouthsouthcooperation/leveraging-ai-sustainabledevelopment. Accessed July 2025.

World Bank. 2024. *Digital for Development: Annual Report 2024*. World Bank Group. https://www.worldbank.org/en/topic/digitaldevelopment. Accessed December 16, 2025.

Zoting, Shivani. 2025. "Artificial Intelligence (AI) Market Size to Hit USD 3,680.47 Billion by 2034." Precedence Research, August 21. https://www.precedenceresearch.com/artificial-intelligence-market. Accessed December 17, 2025.

METACOGNITION AND INTERNATIONAL RELATIONS IN THE CONTEXT OF ARTIFICIAL INTELLIGENCE

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Abstract

This article analyzes the impacts of Artificial Intelligence on the field of International Relations, highlighting the relevance of metacognition, the ability to reflect on one's own reasoning, as a tool for facing contemporary challenges, including the need for new forms of cooperation between nations. It argues that metacognition can contribute to the resolution of complex problems, particularly in diplomatic issues, as well as to the development of responsible, ethical, and collaborative global governance. The need for international regulation is addressed as essential for mitigating risks such as the arms race and the loss of control over autonomous systems. Through case studies, examples of metacognition-assisted systems in the international arena are presented. Finally, it is concluded that, in both humans and machines, metacognition is a fundamental predicate for strengthening diplomacy, ensuring global security, and fostering resilient international cooperation in the face of current challenges.

Keywords: Metacognition. International Relations. Artificial Intelligence.

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METACOGNIÇÃO E RELAÇÕES INTERNACIONAIS NO CONTEXTO DA INTELIGÊNCIA ARTIFICIAL

Resumo

Este artigo analisa os impactos da Inteligência Artificial na área de Relações Internacionais, destacando a relevância da metacognição, a capacidade de refletir sobre o próprio raciocínio, como ferramenta para enfrentar os desafios contemporâneos, entre eles a necessidade de novas formas de cooperação entre as nações. Argumenta-se que a metacognição pode contribuir para a resolução de problemas complexos, particularmente nas questões diplomáticas, bem como para o desenvolvimento de uma governança global responsável, ética e colaborativa. A necessidade de regulamentação internacional é abordada como sendo essencial para mitigar riscos como a corrida armamentista e o descontrole de sistemas autônomos. Por meio de estudos de caso, são apresentados exemplos de sistemas assistidos por metacognição na arena internacional. Por fim, conclui-se que, tanto em humanos quanto em máquinas, a metacognição é predicado fundamental para fortalecer a diplomacia, assegurar a segurança global e fomentar uma cooperação internacional resiliente diante dos desafios atuais.

Palavras-chave: Metacognição. Relações Internacionais. Inteligência Artificial.

METACOGNICIÓN Y RELACIONES INTERNACIONALES EN EL CONTEXTO DE LA INTELIGENCIA ARTIFICIAL

Resumen

Este artículo analiza los impactos de la Inteligencia Artificial en el campo de las Relaciones Internacionales, destacando la importancia de la metacognición, la capacidad de reflexionar sobre el propio razonamiento, como una herramienta clave para afrontar los desafíos contemporáneos, entre ellos la necesidad de nuevas formas de cooperación entre las naciones. Argumenta que la metacognición puede contribuir a la resolución de problemas complejos, particularmente en cuestiones diplomáticas, así como al desarrollo de una gobernanza global responsable, ética y colaborativa. El documento también aborda la necesidad de regular internacionalmente, lo cual resulta esencial para mitigar riesgos como las carreras armamentistas y la pérdida de control sobre sistemas autónomos. A través de estudios de caso, se presentan ejemplos de sistemas asistidos por metacognición en el ámbito internacional. Finalmente, se concluye que, tanto en humanos como en máquinas, la metacognición es fundamental para fortalecer la diplomacia, garantizar la seguridad global y promover una cooperación internacional resiliente frente a los desafíos actuales.

Palabras clave: Metacognición. Relaciones Internacionales. Inteligencia Artificial.

1. Metacognition: The Art of Reflecting on One's Own Reflection

In the twentieth century, higher-education training models were largely based on the acquisition of specific content, procedures, and technical skills, enabling individuals to face the challenges of a labor market that was relatively stable and predictable (Mota and Scott 2013; Goldmeier and Mota 2025). Within this context, it was possible to define minimum curricula and pedagogical guidelines that ensured the formation of professionals who were, in a reasonably satisfactory manner, equipped to perform their duties competently while also securing social recognition and adequate remuneration. Thus, holding a university degree was a *sine qua non* condition, often sufficient on its own, to guarantee a life with minimum levels of economic satisfaction and social prestige.

However, at the dawn of the twenty-first century, the digital revolution profoundly altered this landscape, rendering such guarantees progressively obsolete. Expectations regarding future professional demands are now in constant transformation, driven by an accelerated, unpredictable, and volatile dynamic. The very speed of change imposes a scenario in which daily life is dominated by rapid transformations, making it difficult to develop a clear vision of future requirements in both the labor market and civic life. In this new context, mastery of knowledge, procedures, or standardized recipes, once sufficient, has become inadequate to ensuring quality training (Mota and Goldmeier 2024). In addition, technological advances in the twenty-first century demonstrate that routine tasks, previously performed through standardized methods, are being rapidly replaced by robots and AI systems capable of learning and adapting autonomously (Lee and Qiu 2021). This reality requires the development of pedagogical strategies that are radically different from traditional approaches. Compounding the complexity, the rapid pace of global transformation prevents educational managers and teachers from promptly perceiving such changes, hindering the implementation of pedagogical adjustments consistent with new demands.

Given this scenario, it is essential to prepare students and future professionals across all fields, including diplomats, to cope with abrupt changes through conscious adaptation processes, promoting emotional balance and rationality in the face of unprecedented situations. However, basic social-emotional skills and cognitive-rational competencies alone are not enough; individuals must develop the ability to systematically reflect on their emotions

and thoughts, given the need for critical self-awareness capable to guide more intentional and informed actions.

In summary, while until the late twentieth century cognition, understood as the capacity to understand, retain, and apply knowledge, was sufficient to navigate a relatively simple world of professional relations, it has become evident since the beginning of the twenty-first century that metacognitive skills have become essential. It is no longer enough to acquire knowledge; one must know how to seek, regulate, and reflect upon that knowledge. This shift implies moving beyond rigid, linear learning models toward a more flexible and adaptable approach that values multidisciplinarity and the development of socioemotional competencies such as resilience, teamwork, adaptability, and empathy. Within this context, a metacognitive dimension that once played a secondary role has quickly become central: the ability to learn how to learn continuously throughout one's life (Mota 2019).

Finally, these metacognitive traits also encompass the individual's capacity to situate themselves geographically and historically, recognizing the present moment in which they live and maintaining full awareness of the geographic space they inhabit. Such competence enables the development of more independent, creative, and critical individuals who are better equipped to adapt to constantly evolving scenarios—factors that are essential for successful navigation in contemporary and future societies (Goldmeier and Mota 2023). In the next section, we therefore deepen the discussion on Artificial Intelligence (AI), one of the main elements shaping the current geopolitical landscape.

2. Artificial Intelligence: Current Overview

Given the evident changes in the global scenario that reinforce the need to value metacognitive capacities, it is also essential to understand the most significant advances in AI over the past decade. In 1997, IBM's chess-playing machine Deep Blue achieved a historic milestone when it defeated the reigning world champion Garry Kasparov, marking a paradigmatic shift in how human cognitive abilities were understood in comparison with those of machines. Within just a few years, nearly any smartphone processor possessed enough computational power to defeat a world-class chess player, illustrating the exponential growth of computing capability.

However, the greatest challenge remained the board game Go, due to its vastly greater complexity, combinatorial explosion, and virtually infinite

number of possible configurations—factors that made it difficult to program machines capable of defeating elite human players. Many experts believed such a goal was still far from achievable. This barrier was overcome in 2016, when AlphaGo, a program based on artificial neural networks developed by DeepMind (acquired by Google), employed an innovative model rooted in reinforcement learning to defeat Lee Sedol, then considered the best Go player in the world (Harari 2018). The following year, AlphaZero, an even more advanced version, defeated the most powerful chess engine at the time, Stockfish 8, which relied on traditional evaluation methods and decision trees. This victory highlighted a new frontier in AI research.

The core innovation of AlphaZero lies in its ability to learn from scratch, that is, without the support of pre-established heuristics, databases, or fixed rules to guide its moves. Unlike Stockfish 8, which depends on predetermined rules and extensive opening databases that limit its autonomy, AlphaZero uses self-learning techniques, training itself by playing millions of games against its own instances. Remarkably, in just four hours of training, the system evolved from a beginner to one of the strongest chess players in the world, without any direct human intervention or reliance on external data beyond trial and error.

To understand this contest between Stockfish 8 and AlphaZero, it is essential to recognize that computer programming, by its rational nature, does not strictly require the insertion of fixed logical rules. Despite their origins in formal logic, current AI models based on machine learning, pattern recognition, artificial neural networks, and deep learning techniques have demonstrated greater effectiveness and adaptability in solving complex problems. AlphaZero's victory in chess exemplifies this break from traditional paradigms and reveals the potential of applications far beyond games, providing a concrete demonstration of the emergence of a new approach to AI.

In practice, these advances represent a new perspective in AI: instead of manipulating symbols through rigid rules, systems rely on pattern-recognition mechanisms capable of capturing properties of complex objects, simulating the functioning of neural connections. Each feature of an object or phenomenon is given a numerical value, or weight, that reflects its relevance to the task of diagnosis or classification. Thus, the system does not follow a fixed set of predefined rules, but builds its understanding based on statistical distributions that determine the importance of each feature, constituting the core of machine learning (Kelleher 2019).

Understanding all the details of this process is undeniably complex, requiring dedication and in-depth knowledge. Nevertheless, the central idea of

this approach is that pattern recognition, i.e., the ability to identify statistical regularities and learn from them, outperforms the limitations of so-called classical AI, based on logical deductions and manual programming. In other words, deep learning systems, unlike traditional approaches, do not require rigid preliminary concepts or explicit logical inferences; instead, they rely on their capacity to detect patterns, adjust internal parameters autonomously, and learn from both errors and successes throughout the training process.

In the next section, we will explore the multiple interfaces between the development of these machines that learn, that continuously learn, that learn from themselves, from other machines, and from the humans who created and continue to improve them.

3. The Dispute between Humans and Artificial Intelligence and the DeepSeek Case

In the previous sections, we presented a series of reflections on the recent digital revolution driven by the exponential expansion of AI systems in scientific progress and public debate. In this context, we discussed how different professional training objectives, associated with the development of metacognitive skills, can benefit from this transformation, as well as strategies to amplify the benefits and mitigate the associated risks. These themes are related to an evolving understanding of the so-called "Humans versus AI" dispute (Mota and Goldmeier 2024; Eysenck and Eysenck 2023).

Let us begin our analysis by comparing some attributes traditionally regarded as essential to *Homo sapiens*: physical strength, cognition, and, above all, metacognition. Historically, society has accepted that competing with machines in terms of physical force was a losing battle. Today, however, the most pressing challenge lies in recognizing that, in certain aspects of basic cognition, we are being progressively surpassed by machines capable of learning and adapting autonomously. Thus, humans increasingly place their hopes in maintaining a relative advantage in the domain of metacognition.

Over the past decade, we have observed that neural-network-based models, machine-learning techniques, and pattern-recognition systems, through a radical paradigm shift in programming, have outperformed traditional methods grounded primarily in logical inference (Russell and Norvig 2022). From this perspective, we seek to examine whether AI systems can, or cannot, reflect upon their own learning processes and identify weaknesses in their

"learning-to-learn" abilities—an essential competency for autonomous and adaptive performance.

From this analysis, we aim to stimulate debate on how an education focused on developing metacognition can strengthen one of the last remaining frontiers of human competitiveness in the dispute with machines. This still-accessible frontier corresponds to the capacity to reflect, to learn how to learn, and to evolve continuously—skills that, for now, grant humans a significant and possibly decisive advantage.

Large Language Models (LLMs) represent one of the most substantial advances in AI over the past decade, characterized by their ability to understand and generate text with remarkable sophistication. These systems are trained on extensive textual databases using deep neural networks that learn to detect patterns, linguistic relations, and contextual knowledge. As a result, LLMs support a broad spectrum of applications, including machine translation, creative writing, customer-service support, and the production of pedagogical content. Their architecture, rooted in machine-learning algorithms, is a powerful tool for automating linguistic and cognitive tasks.

Among the leading LLMs are systems developed by major companies and research institutions. Among them is GPT (Generative Pre-trained Transformer), launched by OpenAI in November 2022, which has a high capacity for understanding and generating high-quality natural language. More recently, in 2025, the public release of DeepSeek has generated considerable interest within the scientific and technological communities.

Within this context, we focus on the relationship between metacognition and the DeepSeek systems, a topic that has been attracting growing attention (Mota 2025). If we conceive of metacognition as a system's ability to monitor, understand, and adjust its own cognitive processes, including the active regulation of its actions, preliminary evidence indicates that AI systems are evolving in this direction. In particular, the DeepSeek-R1 and DeepSeek-R1-Zero models demonstrate that interactions between monitoring and control processes are essential for the development of coherent, and often surprising, reasoning. Notably, the phenomenon known as the "aha moment" has often been cited as a manifestation of metacognitive-like behavior within DeepSeek.

Recently, the developers themselves (Guo et al. 2025) have shown that the reasoning abilities of LLMs can be stimulated through reinforcement learning (RL), eliminating the need for human-labeled reasoning. The proposed RL framework fosters reasoning patterns such as self-reflection, verification, and dynamic adjustment of strategies. Consequently, according to these authors, the DeepSeek model achieves superior performance in verifiable tasks, such

as mathematical problem solving, coding competitions, and applications in scientific domains, outperforming its competitors, which are typically trained through conventional supervised fine-tuning (SFT) techniques.

The emergence of metacognitive control via RL highlights a central feature: it is not merely an auxiliary compoonent, but a fundamental element that enhances reasoning capacities during information processing. A machine endowed with awareness of its own cognitive processes can regulate them to ensure consistency in high-level reasoning tasks. A concrete example of the potential of this potential was observed in the advanced DeepSeek-R1-Zero model, which, during intermediate training phases, exhibited the ability to allocate time dynamically for reflection, improving its responses in real time. Instead of following a rigid, rule-based training regimen, the system learned to adjust its problem-solving strategies autonomously, motivated by specific incentives. Such behavior indicates that, rather than being explicitly programmed to recognize specific solutions, the system developed its own sophisticated reasoning techniques grounded in learning.

Thus, DeepSeek represents a significant advance in the ability of machines to simulate behaviors associated with self-reflection on their own cognitive processes and to act on the basis of such reflections, attributes traditionally considered metacognitive and exclusively human. As for the question "to what extent can machines surpass humans in these abilities?", although it remains unanswered, it is evident that the DeepSeek models have played a central role in this evolutionary trajectory. Still at a preliminary stage, with an unpredictable future timeline, this line of research seems to mark the beginning of a new era in the metacognitive potential of machines.

Having established the importance of studying and implementing metacognitive predicates in both humans and machines, we now turn to examples of potential applications of these capabilities in different contexts.

4. Diplomacy and Metacognition in the Context of Artificial Intelligence

Since the beginning of the modern era, nations have made sustained efforts to build cooperative relations in fields such as politics, economics, security, law, and culture. To do so, they rely on traditional diplomatic instruments, such as treaties and intelligence analysis, whose conceptual foundations and continuous refinement are tied to a multidisciplinary field of study known as International Relations (IR). Throughout this historical trajectory, one of the defining characteristics of diplomats has been their ability to construct

solutions in contexts marked by distrust and limited communication, through processes that require adequate time and sustained dialogue to address intrinsically complex problems (Nick 2025; Bjola et al. 2023).

However, the contemporary international landscape presents substantial challenges to diplomatic practice, which is frequently responsible, among many other tasks, for preventing large-scale conflicts. As will be explored below, the current moment is characterized by pronounced social fragmentation and heightened potential for conflict, both within nations and across their foreign-policy domains. In addition, there has been the emergence of new AI-based technologies, particularly those grounded in artificial neural networks and deep learning. These innovations accelerate multiple processes and hinder collective understanding through the production of deepfakes and the dissemination of a sense of immediacy in decision-making.

In this context of varied tensions, both national and international, and considering the technological innovations that reshape the perceptions of time and trust, it becomes essential to reflect on the role of diplomacy and its conflict-resolution methods. In particular, the importance of an approach that favors substantive, in-depth dialogue rather than confrontational strategies is increasingly evident as a possible path toward overcoming contemporary crises.

To strengthen diplomatic practice, we propose incorporating a tool we consider absolutely fundamental in the current conjecture: metacognition. Metacognition refers to the human ability to reflect on one's own thought processes, assess cognitive strategies, and adjust them according to contextual demands. Put differently, if cognition is understood as the set of mental processes that enable the handling of internal and external information, metacognition constitutes the knowledge and beliefs we hold about our own cognitive processes—including past, present, and future aspects, as well as the ability to regulate them (Dehaene 2011). This competence plays a critical role in high-pressure and high-risk environments, such as those involved in international diplomacy or national-security operations.

When it comes to metacognition in machines, it takes on an additional dimension. Currently, AI systems capable of reflecting on their actions and decision-making processes—identifying potential biases, limitations, or inconsistencies—are under development. When effectively implemented in machines, this technical self-reflection can, in principle, orient autonomous systems toward human interests and universally accepted ethical principles, promoting greater predictability and safety in their deployment.

This analysis, therefore, will focus on this new era marked by the evolution of AI, emphasizing instruments of diplomacy and metacognition,

considered valuable resources in building a world that resumes its commitment to international integration and cooperation in the face of contemporary challenges.

5. The Current Landscape: Extremism, Social Media, and Artificial Intelligence

In recent years, we have witnessed a period of extraordinary transformation, changes that would have been unimaginable just three decades ago. At the end of the twentieth century, although welfare-state policies had declined in intensity compared to the period immediately following World War II, the world experienced unprecedented economic growth (Pikkety 2017; Pinker 2022). Particularly in less-developed countries, substantial progress was made in reducing serious social problems, such as high infant mortality and illiteracy rates. Several United Nations reports corroborated these advances (UNPD 2000). In the realm of geopolitics, symbolically, in 1989, the fall of the Berlin Wall, the opening of the "Iron Curtain," and the disintegration of the Soviet bloc marked a new world configuration. At that moment, Francis Fukuyama declared that the arrival of the "End of History" (Fukuyama 2015), interpreting the victory of liberal democracies over the communist/socialist project as the conclusion of a cycle of major ideological conflicts.

Since then, technological advances, especially with the popularization of the Internet, have provided a sense of irreversible global interconnectedness, further reinforced by social movements that achieved unprecedentes mobilization through ditigal nerworks, as evidenced in the "Arab Spring." The prevailing impression in the early 2010s was that democracy was humanity's inexorable destiny. However, a reversal, considered by many to be unexpected, began to take shape, particularly after the 2008 financial crisis. For example, the 2022 World Bank Report (World Bank Group 2022) shows that progress in reducing extreme poverty has stagnated since 2015. Furthermore, the combination of economic stagnation and increasing inequalities observed across several countries (Chancel 2022) has fueled resentment, particularly among poorer sectors of the population.

In addition to the economic impact, the influence of social media has had harmful effects on the dynamics of social aggregation. These platforms, currently driven by algorithms that encourage the formation of social bubbles rather than promoting pluralistic interaction, have significantly altered the scenarios envisioned by earlier optimistic views. This phenomenon

intensified multiple forms of polarization, with clear impacts on domestic politics and IR. Extreme ideologies, once relegated to a past of intolerance, have regained popularity, while algorithms that determine which posts are most widely shared tend to prioritize content that generates high levels of engagement and interest. In this context, hate speech and the spread of fear, in environments of low rationality, often used by extremists, demonstrate greater engagement capacity than moderate opinions. This has been the dominant social configuration of the last decade.

Parallel to these profound social and economic changes, we have witnessed the expansion of AI technologies into virtually every dimension of life. The impacts of these technologies, both positive and negative, are becoming increasingly evident and are likely to intensify considerably in the near future. There has been frequent commentary about an ongoing technological revolution with some authors referring to the emergence of a "New Era," sometimes called the "Age of AI." It is still premature to make a complete assessment of its implications, but two characteristics can be highlighted from the outset: the speed of implementation and the extent of its effects (Lee 2018).

With regard to changes in the labor market, it is imperative to develop robust public policies that range from retraining programs to mechanisms that protect individuals affected by job displacement. In addition, regulating the development and use of these emerging technologies, including the implementation of regulatory frameworks focused on both economic implications and social relations, is a pressing need. Reflection on these social impacts also raises the need to rethink our forms of interaction and our very understanding of what it means to be human. For example, will entities emerge that are capable of critical thinking, intuition, creativity, and even the ability to convey affection? Such possibilities could trigger a wide range of psychological effects, the extent and depth of which are still difficult to predict.

This scenario therefore reveals a historical moment of unprecedented magnitude; however, the picture described possibly represents only a fraction of an even more alarming image. We may be witnessing a radical reconfiguration of the geopolitical order, driven by an even greater concentration of power in the hands of a few nations—or, in an even more worrying possibility, a few transnational corporations. This concentration of power raises multiple concerns. Certain social groups and even entire nations may become irrelevant in the global political game. On the other hand, countries with substantial military and technological power, upon perceiving a loss of competitive advantage, could act aggressively, contributing to the outbreak of a catastrophic conflict, such as a potential Third World War. In addition, the race to surpass competitors

may accelerate research without adequate assessment of associated risks, thereby increasing the likelihood of losing control over technologies with immense destructive and transformative potential.

6. Challenges to International Relations in the Age of Artificial Intelligence

The panorama outlined above shows that we are living through a moment of profound social and geopolitical transformation, possibly marking the beginning of a new historical period. Although, during this transitional phase, it is still possible to celebrate advances in medicine, everyday task facilitation, personalized education, and technological innovation, the current scenario imposes a posture of extreme concern regarding the rearrangement of relations within and among nations. Beyond identifying key challenges, this article seeks to offer constructive approaches and potential strategies. To this end, it focuses on the field of International Relations (IR) and examines how diplomatic tools, combined with metacognitive attitudes, can contribute to rational governance in a moment of intense technological upheaval.

In today's geopolitical context, we observe a pronounced decline in trust and cooperation among nations. This deterioration—evident in shifts in political and economic relations—has been driven primarily by the effects of the war in Ukraine, the Palestinian crisis,, and the tariff measures implemented during the Trump administration. This situation is alarming in itself, but when viewed through the lens of the development of new AI technologies, particularly given the role of major high-tech corporations, the escalating crisis of trust and cooperation between states becomes even more worrying.

As Yuval Noah Harari points out, we are, paradoxically, at a moment that requires greater international cooperation, while the very forces propelling the technological race appear to be building walls or, as he terms it, a "Silicon Curtain" (Harari 2024). According to Harari, contemporary AIs differ from earlier technological inventions because they possess potential autonomy and an unpredictability that may render it humanly impossible to foresee or control their actions. In this sense, we face existential risks ranging from social manipulation through disinformation to the development of autonomous weapons, constituting a new dimension of vulnerability.

The growing distrust of traditional institutions, fueled by intensified populist and nationalist discourses that weaken multilateral mechanisms, contrasts with an uncritical faith placed in algorithmic systems created

precisely within this environment of fragmentation, competition, and distrust. This argument reinforces the idea that AIs, developed in a global environment marked by tensions and hostilities, will tend to mirror the darker aspects of the human condition. Thus, the pressing challenge lies in resolving the crisis of trust among nations, the persistence of which threatens to deepen existing global divisions.

It is in this scenario that the need to rethink diplomacy from an innovative perspective becomes imperative. How can we promote effective and agile cooperation capable of anticipating and mitigating the risks of losing control over machines? How can we establish platforms for dialogue that enable the joint construction of solutions in order to maximize the benefits of these technologies and minimize their risks? There is, in fact, an urgent need to reassess the object of study of IR: contemporary forms of cooperation between nations. Yet this article argues that the essence of the diplomatic practice, rooted in informed dialogue and carefully considered concessions, remains central, but should be complemented by a special emphasis on metacognition. This approach should guide both the training of diplomats in the face of a new scenario and the design, adjustment, and regulation of the learning and implementation of AI systems themselves.

AIs introduce unprecedented dynamics into the processes of collecting, analyzing, and using information in diplomatic negotiations and security strategies. In their most advanced versions, these machines can perform predictive analyses with greater accuracy than humans and act autonomously in highly complex environments. Such autonomy poses new levels of challenge to traditional IR actors. For example, in the military and security spheres, AI can be instrumental in signals intelligence, image recognition, communication-flow analysis, and the dissemination of disinformation campaigns. Many of these operations can be conducted with near anonymity, making it difficult to track those responsible, potentially escalating into armed conflicts or diplomatic crises.

On the other hand, the incorporation of metacognitive processes into AI systems is an innovation still under development within the field itself. Systems endowed with self-assessment capabilities can be programmed to monitor their strategies, verify the reliability of their data networks, and adjust their algorithms in real time, even in contexts of high uncertainty. Such self-regulation not only increases the operational efficiency of these machines, but also promotes greater transparency in their actions, a fundamental element for building international trust in the use of these technologies in diplomatic and strategic environments. In addition, metacognition, stimulated both among

human actors and incorporated into learning machines, tends to facilitate deeper integration of AI into human decision-making processes, allowing critical decisions, especially in high-tension environments, to be accompanied by deep joint reflection. In principle, this mechanism strengthens diplomatic response times, fostering more precise assessments of specific situations and improving decision quality.

For a metacognitive reflection system to be effective, it is essential to establish a common language that facilitates communication and understanding among different AI systems, as well as between humans and machines. The creation of standard protocols, international regulations, and global regulatory bodies are essential to prevent divergent interpretations that could lead to misunderstandings or conflicting actions. The absence of uniform regulation may, in turn, lead to an uncontrolled race in the development and deployment of military or security-oriented AIs, increasing the risk of inadvertent confrontations or destructive unilateral actions. In this sense, international cooperation must go beyond the exchange of good practices, promoting the development of an ethical regulatory framework that ensures the responsible use of these technologies and balances innovation with security.

The implementation of metacognitive processes in AI systems must be accompanied by a rigorous transparency strategy. The information produced by such systems must be accessible to multiple international actors, ensuring clear audit and oversight mechanisms. This measure would strengthen trust between countries, promoting a culture of cooperation and more open dialogue, as opposed to attitudes of distrust or isolation. Ultimately, such actions will contribute to the formation of a new digital citizenship and a global ethic that recognizes the central role of metacognition and AI in shaping future diplomatic relations and international security. In this perspective, the next section further explores metacognition.

7. Applications of Artificial Intelligence in International Relations: Examples and Case Studies

AI use in International Relations (IR) is currently at an implementation stage that combines potential for advancement with risks of misuse and threats to global stability. Numerous diplomatic, security, intelligence, and defense missions have begun to incorporate AI technologies into their operations, providing practical examples of how these innovations are shaping the international landscape.

One of the most relevant examples in the diplomatic sphere refers to the use of chatbots and virtual assistants in multilateral negotiations (Al Midfa 2025). Some nations have experimented with systems capable of analyzing large volumes of diplomatic texts, identifying patterns of offensive or ambiguous language, and providing recommendations for the formulation of more diplomatic messages. Such technologies assist diplomats by expanding their reflective and metacognitive capacities, offering a space for self-regulation, analysis of their own actions, collaborative drafting of diplomatic statements, risk assessment of conflict, and rapid and scalable monitoring of international public opinion.

Another important example relates to the use of AI in intelligence analysis. Image recognition and signal analysis systems, powered by neural networks, are already used to identify suspicious activity in conflict regions or strategic areas (Horowitz 2025). Organizations such as the United States National Security Agency (NSA) employ such technologies to monitor disinformation campaigns and detect tactical movements that may indicate potential attacks or political destabilization actions. These applications constitute manifestations of metacognitive attributes, as they enable in-depth reflection on analytical processes, allowing for more complex and contextualized interpretations aligned with heightened awareness of the variables at play.

In the area of cybersecurity, AI plays a key role in detecting attacks and responding autonomously to threats. Automated defense systems can identify malicious activity, analyze attacker behavior, and respond quickly, minimizing damage and preventing external interference in decision-making processes or the command of autonomous weapons systems. In the context of elections, social media platforms use AI algorithms to identify and filter false or manipulated content, helping to protect democratic processes against massive disinformation operations. Early detection of fake news through complex analysis and critical reasoning increases the capacity to combat digital manipulation campaigns.

A historical case study that exemplifies the impact of information technologies on geopolitics is the 1962 Cuban missile crisis. At that time, decisions regarding escalation or resolution depended on human intelligence and rudimentary satellite reports, but the implementation of modern automated analysis technologies could now simulate conflict scenarios, evaluate the real-time impact of diplomatic or military actions, and support political leaders' decision-making. Thus, the integration of metacognitive AI systems could, in the future, contribute to reducing unnecessary escalations, promoting more rational and streamlined risk management.

Another relevant case study refers to the collapse of international cooperation during the Cold War, particularly surrounding the Intermediate-Range Nuclear Forces Treaty (INF) (Kimball 2025). At the time, the absence of effective verification mechanisms and the development of concealment technologies hindered the monitoring and oversight of nuclear weapons. Today, AI could enable continuous and more accurate monitoring systems, acting as a guarantor of stability if used collaboratively. However, the concentration of technology in the hands of a few actors increases the risk of global inequalities and a renewed arms race, reinforcing the need for ethical and collaborative international governance.

Finally, there are notable examples of international cooperation initiatives, such as the AI for Good project promoted by the United Nations (UN) (United Nations 2025). This initiative seeks to encourage the responsible use of AI to address global problems, including armed conflicts, climate change, and humanitarian crises. In this context, metacognition-assisted AI systems can contribute to the development of more ethical and responsible strategies, facilitate conflict risk analysis, and promote the search for innovative diplomatic solutions.

Conclusions

This study focuses on analyzing the impacts of AI in the field of IR, emphasizing the importance of metacognition as a fundamental tool for dealing with contemporary challenges, including the need for new forms of cooperation among nations. Thus, it is clear that the growing influence of AI in IR demands in-depth reflection on its ethical, technical, and political dimensions, particularly in highly complex contexts such as diplomacy and global security. The advancement of cutting-edge technologies within the sphere of international governance reinforces the urgent need to establish robust regulatory structures capable of guiding the responsible use of these innovations. In this sense, metacognition, both in its human dimension and in its machine-based counterpart, emerges as a central strategic element, promoting a self-critical, reflective, and collaborative approach to decision-making processes. Its capacities for self-regulation, verification, and self-correction constitute an essential basis for ensuring the time required for diplomatic negotiations, while also conferring greater reliability on the algorithms used in security operations and international negotiations. Such capacities also

contribute to reducing cultural or political biases embedded in the systems themselves, thereby strengthening the legitimacy and integrity of actions.

It has been demonstrated that metacognition can offer valuable insights for solving complex problems, especially in the diplomatic sphere, as well as for developing responsible, ethical, and collaborative global governance. In this context, the indispensability of international AI regulation is emphasized, since such regulatory frameworks are essential for mitigating risks associated with a technological arms race or the loss of control over autonomous systems. Additionally, the study highlights the importance of continuously fostering metacognitive reflection among the human actors involved in diplomatic decision-making, thereby preserving autonomy and responsibility in the use of these technologies. Investments in metacognitive training and the implementation of systems capable of reflecting on and questioning their own actions represent an innovative frontier for improving global governance mechanisms. The incorporation of metacognitive skills should be understood as a strategy that enhances security, reduces the risk of impulsive or misguided decisions, and promotes more rational, ethical, and sustainable management of international conflicts.

In the field of technological development, strengthening metacognitive reasoning in machines, through models similar to DeepSeek, trained with reinforcement learning (RL) rather than supervised fine-tuning (SFT), enhances the ability of AI to perform complex reasoning tasks, including self-reflection, hypothesis testing, and dynamic adaptation of strategies. Such skills are essential for automated decision-making systems operating in highly complex and risky environments, such as diplomatic negotiations, defense strategies, and security operations. Therefore, professionals trained to exploit metacognitive attributes, working alongside AI systems that foster continuous self-reflection, tend to generate more reliable recommendations, since these systems make it possible to question, validate, and adjust their conclusions, reinforcing ethical and technical criteria. To ensure that these innovations effectively contribute to global security and the rational management of conflict, it is essential to establish a common language of communication between different AI systems, as well as between machines and humans. The creation of standardized protocols, international regulations, and global regulatory bodies is a essential to preventing divergent interpretations, misunderstandings, and conflicting actions that could aggravate international tensions.

In short, strengthening metacognition, both in the training of human actors and within the technological sphere, is a guiding element for shaping future strategies grounded in rationality, ethics, and responsibility. The case

studies and illustrative examples presented reinforce the need for structured global governance capable of maximizing benefits and minimizing risks, thereby contributing to the construction of a more stable, democratic, and sustainable international order in the twenty-first century.

References

Al Midfa, N. 2025. *Artificial Intelligence in Diplomacy: Transforming Global Relations and Negotiations*. Trends Research and Advisory. https://trendsresearch.org/insight/artificial-intelligence-in-diplomacy-transforming-global-relations-and-negotiations/?srsltid=AfmBOopfnBkeq9DBnrheK2ltWFScQSm1RcQcOpVAadjaFH1P59CnqAGk. Accessed September 30, 2025.

Bjola, C., et al. 2023. *Digital International Relations*. Routledge.

Chancel, L., et al. 2022. *World Inequality Report*. Belknap Press.

Dehaene, S. 2011. *Introspection et Métacognition: Les Mécanismes de la Connaissance de Soi*. Collège de France. https://www.college-de-france.fr/fr/agenda/cours/introspection-et-metacognition-les-mecanismes-de-la-connaissance-de-soi. Accessed December 30, 2025.

Eysenck, M. W., and C. E. Eysenck. 2023. *Inteligência Artificial x Humanos*. Artmed.

Fukuyama, Francis. 2015. *O fim da história e o último homem*. Rocco.

Goldmeier, G., and R. Mota. 2023. "Rationality and Scientific Thinking as Foundations for Leadership in the World of Work." *Qeios*, June 9. https://doi.org/10.32388/BKHXOW.

Goldmeier, G., and R. Mota. 2025. "Metacognition and Pedagogy in the Era of Artificial Intelligence." *Qeios*, July 18. https://www.qeios.com/read/T36PI8. Accessed December 30, 2025.

Guo, D., et al. 2025. "DeepSeek-R1 Incentivizes Reasoning in LLMs through Reinforcement Learning." *Nature* 645: 633–38.

Harari, Y. N. 2018. *21 Lições para o Século XXI*. Cia. das Letras.

Harari, Y. N. 2024. *Nexus*. Cia. das Letras.

Horowitz, M., et al. 2018. *Aplicações de Inteligência Artificial Relacionadas à Segurança Nacional*. Center for a New American Security, July 10. https://www.cnas.org/publications/reports/artificial-intelligence-and-international-security. Accessed September 30, 2025.

Kelleher, J. D. 2019. *Deep Learning*. MIT Press.

Kimball, D. G. 2025. *The Intermediate-Range Nuclear Forces (INF) Treaty at a Glance*. Arms Control Association. https://www.armscontrol.org/factsheets/intermediate-range-nuclear-forces-inf-treaty-glance. Accessed December 30, 2025.

Lee, K.-F. 2018**.** *AI Super-Powers: China, Silicon Valley and the New World Order*. Harper Business.

Lee, K.-F. and C. Qiufan. 2021. *AI 2041: Ten Visions for Our Future*. Crown Currency.

Mota, R. 2025. "Is DeepSeek a Metacognitive AI?" *Qeios*, May 14. https://doi.org/10.32388/PJ3POM.2.

Mota, R. 2019. "Learning How to Learn Is More Than Learning." *The Physics Educator* 1 (1): 1950002. https://doi.org/10.1142/S2661339519500021.

Mota, R., and G. Goldmeier. 2024. "Metacognição: estratégia para a aprendizagem não presencial." In *Educação não presencial: polêmicas e controvérsias*, edited by R. B. Silva, P. J. Bürger, and S. R. Oliveira, 135–46. Ed. dos Autores.

Mota, R., and D. Scott. 2013. *Educação para inovação e aprendizagem independente*. Campus.

Nick, S. 2001. *Use of Language in Diplomacy*. DiploFoundation. https://www.diplomacy.edu/resource/use-of-language-in-diplomacy/. Accessed September 30, 2025.

Piketty, T. 2017. *Capital in the Twenty-First Century*. Belknap Press.

Pinker, S. 2022. *Racionalidade*. Intrínseca.

Russell, S., and P. Norvig. 2022. *Inteligência Artificial – uma abordagem moderna*. GEN LTC.

United Nations. 2025. *AI for Good Global Summit 2025*. https://sdg.iisd.org/events/ai-for-good-global-summit-2025/. Accessed September 30, 2025.

UNDP. 2000. *Human Development Report 2000*.

World Bank Group. 2022. *Pobreza e Prosperidade Compartilhada 2022*. WBG.

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THE PHYSICAL INTEGRATION ROUTES BETWEEN BRAZIL AND PERU: FROM IIRSA TO THE PRESENT DAY

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Abstract

The article investigates the evolution of physical integration initiatives between Brazil and Peru within the framework of the Initiative for the Integration of Regional Infrastructure in South American (IIRSA), established in 2000. It argues that the bilateral logistics integration agenda has demonstrated structural resilience and continuity. The analysis delineates the three principal corridors of binational integration (Northern, Central, and Southern) and assesses how economic and political transformations over the past twenty-five years have reconfigured strategic priorities and opportunities along these routes. The study concludes by advancing a series of policy-oriented recommendations designed to safeguard institutional continuity and to foster the effective implementation of cross-border infrastructure projects in the short and medium term.

Keywords: Brazil–Peru infrastructure connectivity. IIRSA. South American integration routes.

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AS ROTAS DE INTEGRAÇÃO FÍSICA BRASIL-PERU: DA IIRSA ATÉ OS DIAS DE HOJE

Resumo

O artigo analisa a evolução dos projetos de integração física entre Brasil e Peru desde o lançamento da Iniciativa para a Integração da Infraestrutura Regional Sul-Americana (IIRSA) no ano 2000. A revisão histórica demonstra que a agenda de integração logística bilateral tem mostrado resiliência e continuidade. São descritos os principais eixos da integração logística binacional (Norte, Centro e Sul) e avalia-se como algumas mudanças econômicas e políticas ao longo de 25 anos reconfiguraram certas prioridades e oportunidades dessas rotas. Conclui-se com algumas sugestões de linha de ação para assegurar a continuidade da execução dos projetos de integração no curto e médio prazos.

Palavras-chave: Integração logística Brasil-Peru. IIRSA. Rotas de Integração Sul-Americana.

LAS RUTAS DE INTEGRACIÓN FÍSICA BRASIL-PERU: DESDE LA IIRSA HASTA LOS DÍAS DE HOY

Resumen

El artículo analiza la evolución de los proyectos de integración física entre Brasil y Perú desde el lanzamiento de la Iniciativa para la Integración de la Infraestructura Regional Suramericana (IIRSA) en el año 2000. El repaso histórico demuestra que la agenda de integración logística bilateral ha mostrado resiliencia y continuidad. Son descritos los ejes principales de la integración logística binacional (Norte, Centro y Sur) y se evalúa cómo algunos cambios económicos y políticos a lo largo de 25 años han reconfigurado algunas prioridades y oportunidades de estas rutas. Se concluye con algunas sugerencias de medidas para asegurar la continuidad de la ejecución de los proyectos de integración en el corto y medio plazo.

Palabras clave: Integración logística Brasil-Perú. IIRSA. Rutas de Integración Sudamericana.

Brazil and Peru share a three-thousand-kilometer border, the longest for Peru among its neighboring countries and the second longest for Brazil. Although most of this binational boundary is characterized by dense forest cover and a limited presence of urban centers, both states and their societies have, for decades, expressed interest in developing logistical infrastructure capable of strengthening economic ties between two countries historically oriented toward opposite oceans.

One of the earliest private attempts to overcome the connectivity challenges imposed by the Amazon rainforest and to harness the economic potential of binational integration dates back to the mid-nineteenth century. In the 1850s, Irineu Evangelista de Souza (Baron of Mauá) founded the Amazon Navigation and Trade Company to operate steam vessels between Atlantic ports in the Brazilian state of Pará and the town of Nauta in Peru (Brito 2018). This marked the first private economic venture, supported by the Brazilian state, to explore a natural river corridor in the Amazon Basin with the aim of linking two societies that remained only tenuously connected.

In the decades that followed, the development model promoted by the Brazilian government focused mainly on integrating the country's interior with productive hubs along the coast (Silva 2017). Peru, for its part, implemented targeted policies to link the Amazon and Andean regions with its Pacific coast (Rendón Cusi 2022). This long-standing absence of binational physical-integration projects began to shift in the 2000s, particularly with the launch of the Initiative for the Integration of Regional Infrastructure in South America (IIRSA). Today, both Brazil and Peru seek to revive much of IIRSA's project portfolio, though adapting it to the geoeconomic changes of the past quarter century.

This article aims to present the main proposals for binational physical integration since the launch of IIRSA in 2000 and to highlight that, at least since then, a structural and resilient logistics-integration agenda has taken shape between Brazil and Peru. The terms *resilient* and *structural* are central to characterizing the dynamics of this integration agenda. Drawing on a historical analysis and a review of primary and secondary sources, the article argues that although the relevance of specific Brazil–Peru integration projects has varied across different administrations, these initiatives have consistently been recognized by both States as priorities.

The article is organized into four sections. The first outlines the general foundations of IIRSA. The following three sections assess the progress of physical connectivity (road, rail, and waterway) between the two countries, structured around three geographic axes: the Northern Route, the Central

Route, and the Southern Route. Finally, the conclusions reinforce the idea that a historical dynamic of convergence continues to shape the regional physical-integration agenda between Brazil and Peru, and they propose short- and medium-term actions to ensure effective project implementation and to strengthen institutional dialogue around these initiatives.

IIRSA—The Precedent

The year 2000 was not chosen arbitrarily for the historical analysis presented in this article. In August of that year, for the first time, the leaders of all South American countries gathered in an exclusively regional meeting, bringing together the Heads of State and Government of the twelve South American nations in Brasília. According to Ricupero (2016), the most concrete decision to emerge from that Summit, one whose practical effects endure to this day, was the establishment of IIRSA.

This initiative was conceived as an intergovernmental coordination mechanism, primarily technical in nature, aimed at evaluating physical-integration projects for South America in the areas of transportation, energy, and communications. In the years immediately following its creation, numerous technical and political meetings were held to shape IIRSA's project portfolio. More than 560 proposals designed to strengthen regional physical, energy, and communications integration were incorporated into IIRSA's institutional framework.

In 2011, IIRSA was officially incorporated as the UNASUR technical forum of the South American Infrastructure and Planning Council (COSIPLAN), the organization's political forum for South American infrastructure. With the political fragmentation of UNASUR toward the end of the 2010s, COSIPLAN's activities—and those of IIRSA itself—were significantly weakened[2]. Nevertheless, IIRSA's core function of consolidating the region's principal integration projects within a single forum was not entirely lost. Its Project Information System (SIP) remains accessible and contains hundreds of project profiles that continue to serve as a reference for policymakers and researchers, even though systematic technical updates to these profiles were largely discontinued around 2018.

2 Although it constitutes a central element for understanding the evolution of Peruvian–Brazilian negotiations on bilateral physical integration, the crisis of UNASUR and its repercussions on the paralysis of COSIPLAN/IIRSA involve details that merit a dedicated study and therefore will not be addressed in this work.

Peru and Brazil were among IIRSA's most committed supporters and participated actively in several of its structuring axes into which the more than 560 projects were organized. Officially, Peru is included in four IIRSA axes (the Amazon Axis, the Peru–Bolivia–Brazil Axis, the Central Interoceanic Axis, and the Andean Axis). Brazil, for its part, participates in seven axes (the Amazon Axis, the Peru–Bolivia–Brazil Axis, the Central Interoceanic Axis, the Capricorn Axis, the Guiana Shield Axis, the Mercosur–Chile Axis, and the Paraguay–Paraná Waterway Axis).

Peru and Brazil thus share projects in three common axes (Amazon, Peru–Bolivia–Brazil, and Central Interoceanic). More than eighty transport-related projects involving the two countries were included in IIRSA's portfolio within these three axes—some strictly bilateral in nature, others involving neighboring countries as well. Given the space constraints of this article, the analysis focuses on those projects that have gained the greatest political relevance in recent decades, organized, solely for the purposes of this study, into projects of the Northern Route, the Central Route, and the Southern Route.

Northern Route

The Brazil–Peru integration initiatives discussed in this section refer to those connected to the Peruvian border with the Brazilian state of Amazonas. Based on IIRSA's project portfolio, the only physical connection planned between the state of Amazonas and northern Peru is a riverine one—through the Amazonas/Solimões River,[3] which links both countries in the Peru–Brazil–Colombia tri-border region.

Currently, according to information from a private consultancy (Gestión 2025a), the volume of cargo transported between Brazil and Peru via the river route is limited, consisting mainly of small quantities of sugar, soybeans, and fish products flowing toward Peru. From the Brazilian perspective, two immediate actions within national territory could rapidly transform the existing river link into a proper waterway capable of supporting greater commercial flows up to the border.

The first is the completion of the ongoing dredging works on the Amazon River along the stretch between Manaus, the region's industrial hub, and the Peruvian-Brazilian border at the city of Tabatinga. The second action

3 "Solimões" is the name used in Brazil for the stretch of the Amazon River that runs from the border with Peru (near Tabatinga/Leticia/Santa Rosa, in the Brazil–Peru–Colombia tri-border area) to the city of Manaus, in the state of Amazonas.

is the installation of a Brazilian customs post in Tabatinga to facilitate the monitoring of goods entering and leaving the tri-border area. Both actions have been included in Brazil's "South American Integration Routes" initiative and are currently in the implementation phase.[4]

Launched in 2023, following a regional meeting of South American leaders in Brasília similar to the 2000 summit, Brazil's "South American Integration Routes" proposal revives and adapts many of the hundreds of IIRSA projects crossing Brazilian territory. Under this new public policy, led by the Ministry of Planning and Budget, the Brazilian government mapped out priority initiatives from a domestic perspective to enhance logistical connectivity within Brazil up to strategic border points with all neighboring countries, including several IIRSA projects that link Brazil to Peru. Through meetings with authorities from each neighboring country, the Brazilian government presented major national infrastructure projects that form part of the Routes Program and that could positively impact binational connectivity, provided there is interest on the part of the neighboring state.

On the Peruvian side, there are two possible waterway routes to connect the border at Tabatinga with Pacific ports, which would allow Brazilian producers to import parts and equipment from Asia needed for Manaus's industrial hub. The first of these river routes passes through Iquitos and continues on to Yurimaguas. The second also passes through Iquitos but heads south toward the city of Pucallpa, located in Peru's central Amazon region.

Although the rivers are currently navigable, particularly up to Iquitos, navigation during certain times of the year is hindered by the region's rainy seasons, making vessel transit unsafe. Moreover, river depths must be improved in certain stretches to allow the passage of larger vessels. For this reason, both the Tabatinga–Yurimaguas and the Tabatinga–Pucallpa connections were included in IIRSA's portfolio in the early 2000s.

The Peruvian government referred to the combined initiative as the "Amazon Waterway." After several rounds of public consultations between 2015 and 2017, the waterway's implementation was awarded in 2017 to a Chinese–Peruvian concessionaire. However, according to OSITRAN (2024), the project did not move forward due to environmental and human-rights controversies, which led the concessionaire and the Peruvian government to agree to terminate the concession.

4 The official Brazilian website providing detailed information on the initiative's projects is available at https://www.gov.br/planejamento/pt-br/assuntos/articulacao-institucional/rotas-de-integracao-sul-americana. Accessed August 4, 2025.

A key factor in favor of developing the connection with Brazil via the Amazonian rivers is that roads already exist from both Yurimaguas and Pucallpa, linking the river ports of these two cities bordering the Peruvian rainforest with the Pacific coast. The 1,007-km highway between Yurimaguas and the Port of Paita, on Peru's northern coast—known as "IIRSA Norte"—has been under concession since 2005, and paving and improvement works were completed in 2011. Likewise, Pucallpa has a road connection to the country's coast—though not to northern ports, but rather to the Lima region. However, this highway has not been fully upgraded. The project, known as "IIRSA Centro" by the Peruvian government, has only been partially implemented so far.

Although both road routes connecting Peru's coast to the Amazon Waterway project present advantages, a recent development, absent when IIRSA's original portfolio was created, has strengthened political and economic arguments for linking Brazil to the Peruvian coast through Pucallpa: the Port of Chancay.

Several analyses have examined the new "megaport," located roughly 75 km north of Lima, which evolved from a small private initiative into what the press describes as the largest port development on South America's Pacific coast (Olmo 2025), following major investments by the Chinese state-owned shipping company Cosco. While the present study does not focus on Chancay, the port's potential is essential for understanding why certain IIRSA initiatives have been adapted and why some have gained greater political prominence than others over the past three years.

The new port infrastructure has enabled the establishment of a direct maritime route between South America and China, with an estimated reduction of nearly ten days in transit time, using deep-draft vessels that previously could not enter Peruvian ports. The shorter navigation time and the elimination of the need to transship Peruvian cargo through other Pacific ports before reaching China are expected to reduce transportation costs for goods shipped from Chancay. Consequently, this may improve the economic viability of exporting agricultural production from Brazil's Center-West region to Asian markets—something that was difficult to justify in concrete terms before Chancay's inauguration.[5]

However, achieving this outcome requires completing an adequate physical connection between Brazil and the new port. While such a connection could be

5 Studies conducted by COSIPLAN/IIRSA in 2017, prior to the expansion of the Port of Chancay, showed that estimated maritime travel times between Peru and major Asian ports were very similar (around 30 days) to those observed from Santos to the same destinations, despite the geographical proximity offered by the Pacific route.

realized through the Amazon Waterway, the considerable geographic distance between Brazil's main agribusiness hubs and this river route has shifted attention toward projects that would traverse the Center-West region directly.

Central Route

Unlike the Northern and Southern Routes (as will be discussed in the next section), no established river or road connection currently exists in the central region of the binational border. Moreover, the boundary area between Peru's central Amazon and Brazil—specifically the northern portion of the Brazilian state of Acre—is characterized by extremely low population density (inhabited mainly by Indigenous peoples in voluntary isolation), the presence of environmental and Indigenous reserves both in Peru[6] and in Brazil,[7] and particularly challenging geographic conditions. A mountain range—the Serra do Divisor—serves both as a border marker and as a natural divide separating two river basins: the middle valley of the Ucayali River, in Peru, and the upper valley of the Juruá River, in Brazil.

These geographical and socio-environmental obstacles pose significant barriers to the development of a road link between the two closest urban centers in the region: Pucallpa, on the Peruvian side, and Cruzeiro do Sul, on the Brazilian side, which are approximately 260 km apart. Within IIRSA's original project portfolio (COSIPLAN 2015), a project sheet proposed creating either a "railway or highway" between the two cities. The description of the project—updated in the IIRSA database only until 2015—already indicated the considerable environmental and social challenges involved, as well as the lack of clarity regarding whether the connection should be road-based or rail-based.

Although at first glance the highway option may appear less costly (according to preliminary Peruvian studies cited in the IIRSA technical file), it would likely cause greater medium- and long-term social and environmental impacts in the region due to population influxes that typically occur both during and after road construction. Furthermore, the area's complex geography could require carving out a highly winding route, thereby making the circulation of large trucks, essential for transporting significant cargo volumes, difficult or even unfeasible.

6 Sierra del Divisor National Park and Sierra del Divisor Occidental Indigenous Reserve.

7 Serra do Divisor National Park.

These constraints led Peruvian and Brazilian authorities to consider the railway alternative. Evidence of this was the inclusion, in Brazil's National Transport Plan (established by Law 11.772 in 2008), of a planned rail segment between Cruzeiro do Sul and Boqueirão da Esperança, a town located on the binational border. In the Brazilian plan, this stretch would connect the Peru–Brazil border to the broader railway project linking the capitals of Acre (Rio Branco) and Rondônia (Porto Velho) with the coast of Bahia, traversing Brazil's major agribusiness region.

On the Peruvian side, the idea of a Brazil–Peru railway crossing the central Amazon appeared in the 2016 National Railway Development Plan. According to the Ministry of Transport and Communications, the plan is currently being updated to include a more detailed proposal for a rail link stretching from the Port of Chancay (whose construction was completed in 2024) to the Acre border, passing through Pucallpa.

At the regional level, COSIPLAN conducted a comprehensive study (COSIPLAN 2017) on South American railway integration, which included potential Peru–Brazil bioceanic connection routes. Referred to in that study as the "Brazil–Peru Bioceanic Railway Corridor" (CFBBP), the bioceanic route would still have had the Bayóvar region, 800 km north of Chancay Bay, as its final destination on the Pacific coast.

The COSIPLAN study noted that the CFBBP would be the longest railway in South America, spanning nearly 5,000 km, and one of those with the least preexisting infrastructure (only about 3% of the corridor's rail network was already operational). The report also highlighted a technical issue later reiterated by Peru's foreign minister in an interview with a Peruvian television channel available on YouTube (2025): Brazil's railway network primarily uses track gauges of 1,000 mm or 1,600 mm, while Peru's uses the 1,435-mm standard gauge.

It should be noted that the CFBBP concept included in the COSIPLAN study served as a reference for the bioceanic corridor proposal eventually incorporated into Brazil's South American Integration Routes program. Within that program, the "Quadrante Rondon Route" includes, among other projects, the very railway alignment connecting Brazil's coast to the Peruvian coast through the agribusiness region and Acre.

Due to the prominence gained by the Port of Chancay beginning in 2023, precisely when the Brazilian proposal was being drafted, the integration route proposed by Brazil does not include Bayóvar as the Pacific terminus, as envisioned in the COSIPLAN study. Instead, it ends at the megaport of Chancay, given its significant potential for facilitating trade flows to and from Asia.

Beyond its inclusion in government and regional development plans, the idea of a Brazil–Peru railway crossing Peru's central Amazon and northern Acre is frequently revived by high-level political leaders. One of the earliest presidential statements on the matter came from then-Peruvian president Alan García during Brazil's national day in 2009, when he expressed that "the realization of the transoceanic railway is closer than one might imagine" (Brazil 2009).

In subsequent years, Brazilian and Peruvian technical officials held occasional meetings to determine how feasibility studies for the project could be carried out. One such example was the signing of a bilateral Memorandum of Understanding (MoU) to create a Working Group on Railway Integration between the transport ministries of both countries, signed during the Fourth Meeting of the Vice-Ministerial Border Integration Commission (CVIF) in Lima on August 21, 2013 (Brazil 2013).

Bilateral discussions progressed, and in 2014 both countries agreed to coordinate with Chinese representatives—who, according to *O Globo* (2015), had already been preparing feasibility studies for other sections of the transoceanic railway within Brazil—to conduct a dedicated study for the border region.

Thus, on 12 November 2014, a Trilateral Memorandum of Understanding for a Brazil–Peru Bioceanic Railway Connection was signed in Beijing by the Brazilian Ministry of Transport, Peru's Ministry of Transport and Communications, and China's National Development and Reform Commission. The document was signed by ministerial authorities in the presence of Presidents Xi Jinping and Ollanta Humala, who was in Beijing to participate in the APEC summit (Brazil 2014).

As in the recent 2025 bilateral Brazil–China MoU on the same subject, the document signed eleven years earlier did not create binding legal obligations. Its main aim, just like the 2025 MoU, was to structure cooperation among technical authorities to conduct basic feasibility studies toward the implementation of the bioceanic railway. The 2015 MoU had an initial duration of five years, renewable for an additional period, and mandated that trilateral technical meetings be held at least once per year, rotating among the three countries. No official records were found indicating when such meetings took place, nor is there evidence that the MoU was renewed.

It is worth noting the contrast in public reaction following the signing of the two documents, particularly in Peru, where media coverage differed sharply. While in 2015 Peruvian newspapers focused on the technical assessment of

the project's financial viability and its implications for the development of remote regions, eleven years later the reaction was overtly political.

Despite repeated clarifications by Peruvian and Brazilian authorities that the Brazil–China document is nonbinding and that, even though bilateral, it does not exclude Peru from the initiative, local political commentators concentrated their criticism on the absence of the Peruvian government from discussions regarding a project whose Pacific access point lies on Peruvian territory. The press also sought to highlight inconsistencies among statements made by different government authorities, transforming what could have been a positive foreign-policy agenda into a topic of short-term domestic political debate.

The effective consequences of the Brazil–China memorandum for the actual implementation of a railway linking Brazil's coast to the state of Acre on the Peruvian border remain uncertain. It also remains unclear how the current Peruvian government, or the next one, to be elected in 2026, will coordinate efforts with Brazil and China to ensure that ongoing studies in Brazil also benefit Peru. As the next section will show, evolving political and economic conditions may once again shift momentum away from the railway project across the Serra do Divisor and toward alternative routes.

Southern Route

Unlike the other two border points (central and northern) discussed in the previous sections, which require either transferring between river and road transport or the construction of entirely new infrastructure, the Brazil–Peru connection through the southern part of the state of Acre and southern Peru (the Madre de Dios region) already exists and is exclusively road-based. In 2005, the Peruvian government granted a concession for the Southern Interoceanic Highway, known as IIRSA Sur, whose construction was completed in the early 2010s.

This is a functioning and consolidated link between the two countries, enabling direct road circulation between the Atlantic and Pacific Oceans. According to OSITRAN (2025b), traffic volumes of both light and heavy vehicles along this route increased by approximately 100% over the course of the 2010s, with figures stabilizing in recent years (OSITRAN 2024).

This rise in traffic generated positive effects for the economic growth of municipalities in the region, improved predictability and frequency in the supply of food and basic goods in Peru's interior, and expanded access

to health services available on the Brazilian side of the border. The growth spurred by the consolidation of the highway also brought new challenges, particularly in the areas of public security and environmental crime—issues that are frequently addressed in bilateral discussions during the periodic meetings of the CVIF (Vargas 2023).

Regarding cargo transport, although it too has increased since the completion of IIRSA Sur, there is still perceived room for improvement. According to data from Brazil's Ministry of Development, Industry and Commerce (MDIC), Brazilian exports to Peru through Assis Brasil rose from US$ 4.5 million to US$ 83.5 million between 2011 and 2024. However, the proportional increase in imports into Brazil over the same period was considerably smaller, rising from US$ 500,000 to US$ 3 million. Moreover, an analysis of the basket and volume of the main goods crossing into Peru—such as refined soybean oil and Amazonian Brazil nuts—shows that they do not originate from Brazil's agricultural hinterland and are primarily destined for domestic markets rather than for export to Asia.

Several relatively quick-to-implement measures could facilitate cargo transport to Peruvian ports. The first would be to improve the physical infrastructure of the control agencies' facilities on both sides of the border. The second would be to extend operating hours, especially on the Brazilian side. Although Peruvian control agencies operate almost continuously, Brazil's Federal Police and Federal Revenue Service do not conduct inspections at night, and the Agriculture Ministry's inspection agency does not maintain permanent staff in Assis Brasil: personnel travel there on specific days, often on demand. It is important to note that vehicle circulation is possible regardless of the control agencies' operating hours, which creates oversight vulnerabilities and leads to the underreporting of official data on cargo and passenger flows.

A medium-term measure relates to the condition of the highway, particularly on the Brazilian side. Although the Peruvian portion of the highway is in good shape, the roads linking Acre to central Brazil are deteriorated. The BR-317, which connects Assis Brasil to Rio Branco, is in critical condition and currently has no scheduled improvement works. In contrast, the BR-364, which links Rio Branco with the rest of Brazil, is expected to receive public investment for renovation over the coming months (Brazil 2025).

These government actions could stimulate trade along the IIRSA Sur highway, especially given the ongoing shift in subregional economic dynamics resulting from the opening of the Port of Chancay. However, a key structural

(and natural) challenge facing any substantial increase in Brazilian export volumes via IIRSA Sur to Peruvian ports is the Andes mountain range.

The topographic profile of the current highway—combined with the loss of engine power combustion vehicles experience at higher altitudes, higher fuel consumption during ascents, and the limited average cargo capacity of trucks capable of navigating steep and winding sections—will always be weighed by exporters when deciding whether to ship goods through the Atlantic or Pacific (Barros et al. 2021). The "Chancay factor" may help offset these natural challenges, although it remains unclear whether it will ultimately become a decisive element in favor of the Pacific route. A regional commercial dynamic that increases "backhaul" opportunities—i.e., greater inflows of Peruvian goods into Brazil—could significantly influence the decision of Brazilian agribusiness producers to use Peruvian ports as export outlets.

Another alternative that would mitigate, but not fully resolve, the natural challenges posed by the Andes, and that likewise faces the challenge of expanding backhaul capacity, would be the construction of a railway parallel to the highway. It is uncertain whether such a project would be economically viable, precisely because a functional road route already exists. The volume of cargo that a railway would need to move in both directions would have to be even greater, given that part of the flow is already naturally routed through the highway.

An alternative to a solely binational Brazil–Peru railway at the Iñapari–Assis Brasil border crossing would involve constructing targeted rail segments in Brazil, Peru, and Bolivia to complement the existing networks in central-southern Brazil and southern Peru (Puno and Arequipa regions). Unlike the binational rail proposal, the railway network of this more northern corridor is already almost fully completed on the Brazilian side, with only a few segments remaining in Bolivia and Peru. According to the original project in the IIRSA portfolio, known as the Central Bioceanic Railway Corridor (CFBC), the line would begin at the Port of Santos on Brazil's coast, pass through industrial and agricultural hubs in central-southern Brazil, enter Bolivia at the Corumbá–Puerto Suárez border, and end at southern Peruvian ports as well as at the Chilean port of Arica.

The COSIPLAN/IIRSA (2017) report on South American railway projects noted, among the advantages of the CFBC, the fact that nearly the entire existing network already uses the same 1,000-mm track gauge, except for the Peruvian segment. Another factor favoring this alternative is that the corridor crosses economically diverse regions (industrial, agricultural, and mining hubs), thus reducing risks associated with projects that depend on

a single type of cargo and are therefore more vulnerable to external market fluctuations.

On the other hand, major challenges for the project's implementation include discrepancies in track gauge and certain excessively steep segments in the Andes. Regarding track gauge, the IIRSA report emphasizes that Peru would need to adopt, on an exceptional basis, the 1,000-mm gauge for this project, as adapting only the Peruvian section would be far less costly than modifying the rest of the line.

As for the cost, estimates vary considerably depending on the source consulted (Brazilian press,[8] Peruvian press,[9] or oficial reports).[10] However, there is one constant: investment requirements for the CFBC via Bolivia would be lower than those needed for the railway connection either through Cruzeiro do Sul and Peru's central Amazon (the CFBBP) or through Assis Brasil–Iñapari near IIRSA Sur.

This lower estimated cost was one of the main arguments that gave the CFBC political traction in Peru immediately after President Humala's administration, which, as noted earlier, had favored the proposal for a railway through Peru's central Amazon. After Humala left office, his successor, former president Pedro Pablo Kuczynski, quickly signaled his government's prioritization of the CFBC (Semana Económica 2016).

Martín Vizcarra, who served as Minister of Transport under Kuczynski and was originally from southern Peru, assumed the presidency in March 2018 and maintained the CFBC as one of his administration's priority logistics-integration projects. So much so that Lima hosted a ministerial meeting in 2018 dedicated to the CFBC, from which significant announcements emerged, including Peru's commitment to adopt the metric gauge for the railway segment on its territory (Brazil 2018), between Desaguadero and Ilo.

From a geopolitical perspective, it is noteworthy that while the railway project crossing Peru's central Amazon has attracted Chinese interest, the CFBC appears to have drawn attention from European actors, with countries such as Germany and Spain expressing willingness to invest in the initiative (El Comercio 2018). Furthermore, the CFBC was originally designed under

8 Available at https://ac24agro.com/2025/07/21/projeto-da-ferrovia-bioceanica-pode-mudar-tracado-e-passar-por-cruzeiro-do-sul/?utm_source=chatgpt.com. Accessed August 15, 2025.

9 Available at https://larepublica.pe/sociedad/2024/06/25/tren-bioceanico-conectaria-chancay-pucallpa-y-brasil-conoce-su-ruta-y-otras-ciudades-que-cruzara-1344800?utm_source=chatgpt.com. Accessed August 15, 2025.

10 Available at https://www.iirsa.org/News/Detail?Id=139&utm_source=chatgpt.com. Accessed August 15, 2025.

IIRSA to terminate at Peruvian ports such as Ilo or Matarani, which would require expansión, funded either by Peruvian or international resources, to accommodate increased cargo volumes from the new railway.

In this context, and perhaps as a way of balancing China's significant investment in Chancay, there are indications that U.S. investors may be interested in participating in the "Megapuerto de Curió" project in Punta de Bombón, also in southern Peru, with the objective of developing a maritime outlet even larger than Chancay, and with greater depth (Logística 360 2025).

Although still speculative, the construction of a major new port financed by U.S. or other Western investors would represent a significant geoeconomic shift with natural implications for the prioritization of regional integration projects. A large-scale port in southern Peru would further incentivize economically influential groups in the region—particularly agribusiness exporters from central-west and central-south Brazil—to push for expanded logistical infrastructure along the Southern Route, whether by road or rail.

Conclusions

Since the 2000 meeting of South American presidents that gave rise to IIRSA, the distribution of power in international relations has undergone transformations that have reshaped how countries in the region relate to external actors. China has become the principal trading partner of both Brazil and Peru, as well as the largest foreign investor in the Andean country (Sanborn-Pareja and Quispe 2025). At the same time, the United States, traditionally a key partner for South American countries, remains an unavoidable political actor for any government in the region. This combination of economic change and political continuity creates a more complex environment for the external action of South American states. The weakening of regional cooperation institutions adds yet another layer of difficulty.

Even amid a less stable international landscape and the crisis of regional coordination mechanisms, as evidenced by the absence of high-level meetings under COSIPLAN/IIRSA since 2017, it is possible to affirm that Peru and Brazil have consistently sought, over the past quarter-century, to coordinate efforts in support of binational physical integration. In recent decades, the projects originally included within IIRSA have remained central to the bilateral agenda, receiving attention from presidents and ministerial authorities of diverse political orientations. Some of these projects have gained greater prominence at particular moments, depending on the priorities of the government in

office. Such variation is part of the democratic process and of foreign-policy formulation that seeks to reflect the electorate's preferences.

Regardless of the political circumstances surrounding these projects under different administrations, what is absolutely essential is ensuring their effective implementation, whether through unilateral or bilateral actions, coordinated or not with extra-regional actors.

Among the short-term unilateral measures, initiatives such as improving border-inspection procedures at Tabatinga and Assis Brasil, already planned by the Brazilian government, can quickly and easily facilitate trade in the border region and potentially increase the flow of cargo from Brazil's agribusiness interior toward the new Port of Chancay. The CVIF, which has met regularly since the late 2000s, is the natural forum to discuss how these and other relatively simple implementation measures can generate synergies in favor of development in the binational border region.

From a medium-term perspective, the 2025 Brazil–China Memorandum—despite the politically charged reactions in the Peruvian press—remains a positive step toward advancing the construction of a railway within Brazil that has been envisioned for at least two decades. Completing the feasibility studies and effectively building the tracks on Brazilian territory up to Acre would generate an additional positive externality that Peru could leverage according to its own sovereign interests.

The maturation period for these railway projects extends beyond the mandate of any democratically elected government, and the existence of institutional coordination mechanisms that transcend administrations is essential to ensure continuity in technical negotiations. In the current context, marked by the inactivity of major regional structures due to political reasons, one alternative could be the establishment of National Coordinator Working Groups for the integration routes discussed throughout this article.

These more technical groups could draw inspiration from the working group created by Argentina, Brazil, Chile, and Paraguay, which has met regularly for several years to address logistical infrastructure matters related to the Capricorn Corridor—another initiative originally envisioned under IIRSA and later incorporated into Brazil's South American Integration Routes program.

Although South America's capacity for unified action in the face of global challenges is currently weakened, the space for intra-regional coordination on infrastructure has not disappeared. Just as IIRSA served in 2000 as a catalyst for broader regional cooperation, the reactivation of its agenda may well become the seed for a new, more structured regional approach in the years ahead.

References

"Alemania interesada en tren desde Bolivia hacia el sur del Perú." 2017. *El Comercio*, March 15. https://elcomercio.pe/economia/negocios/alemania-interesada-tren-bolivia-sur-peru-145052-noticia. Accessed August 16, 2025.

Assis, Mariana, and Felipe Matoso. 2025. "Ferrovia para ligar o Atlântico ao Pacífico: veja o que se sabe até agora do projeto do Brasil com a China." *G1*, July 8. https://g1.globo.com/economia/noticia/2025/07/08/ferrovia-para-ligar-o-atlantico-ao-pacifico-veja-o-que-se-sabe-ate-agora-do-projeto-do-brasil-com-a-china.ghtml. Accessed July 20, 2025.

Brazil. 2008. *Lei nº 11.772, de 17 de setembro de 2008*. https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2008/lei/l11772.htm#anexoi. Accessed August 13, 2025.

Brazil. Ministério das Relações Exteriores. 2014**.** *Circular Telegráfica nº 96266* [Diplomatic telegram]. November 10. Unpublished document.

Brazil. Ministério das Relações Exteriores. 2009. *Telegrama nº 1334* [Diplomatic telegram]. September 15. Unpublished document.

Brazil. Ministério das Relações Exteriores. 2013. *Telegrama nº 1684* [Diplomatic telegram]. September 24. Unpublished document.

Brazil. Ministério das Relações Exteriores. 2018. *Telegrama nº 628* [Diplomatic telegram]. June 21. Unpublished document.

Brazil. Ministério do Desenvolvimento, Indústria, Comércio e Serviços. n.d. *ComexStat: Estatísticas Gerais de Exportação e Importação*. https://comexstat.mdic.gov.br/pt/geral. Accessed July 15, 2025.

Brazil. Ministério do Planejamento e Orçamento. 2025a. "Brasil e China assinam memorando para produção de estudos sobre sistema de transporte integrado no país." July 7. https://www.gov.br/planejamento/pt-br/assuntos/noticias/2025/julho/brasil-e-china-assinam-memorando-para-producao-de-estudos-sobre-sistema-de-transporte-integrado-no-pais. Accessed July 20, 2025.

Brazil. Presidência da República. 2025b. "Presidente Lula anuncia mais de R$ 1 bilhão de investimentos para o Acre." August 8. https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/noticias/2025/08/presidente-lula-anuncia-mais-de-r-1-bilhao-de-investimentos-para-o-acre. Accessed August 13, 2025.

Brito, R. K. L. de. 2018. *Vapores de Mauá: A Companhia de Navegação e Comércio do Amazonas (1852–1871).* Master's diss., Universidade Federal do Amazonas.

Burman, T., and J. Feng. 2025**.** "América do Sul explora a construção de sua própria ferrovia transcontinental de 2.800 milhas." *Newsweek*, July 11. https://www.newsweek.com/south-america-transcontinental-rail-209714. Accessed August 10, 2025.

Brieger, Pedro. 2018. "La crisis de la Unión de Naciones Suramericanas." *CNN en Español*, April 28. https://cnnespanol.cnn.com/2018/04/28/la-crisis-de-la-union-de-naciones-suramericanas. Accessed July 25, 2025.

Calderón, Camila. 2025. "Eduardo Arana cambia de posición sobre tren bioceánico: pasó de decir que el Perú no estaba interesado en invertir a no descartarlo." *Infobae*, July 17. https://www.infobae.com/peru/2025/07/17/eduardo-arana-cambia-de-posicion-sobre-tren-bioceanico-paso-de-decir-que-el-peru-no-esta-interesado-en-invertir-a-no-descartarlo/. Accessed August 14, 2025.

"Canciller sobre ferrocarril bioceánico que impulsa Brasil y China: 'No tenemos el detalle.'" 2025a. *Gestión*, July 8. https://gestion.pe/mundo/internacional/canciller-sobre-ferrocarril-bioceanico-que-impulsa-brasil-y-china-no-tenemos-el-detalle-noticia/. Accessed August 14, 2025.

Cancillería Perú. 2025. "Declaraciones en Canal N del canciller Schialer sobre el proyecto tren bioceánico." *YouTube*, July 16. https://www.youtube.com/watch?v=3q4eiUFv9NU. Accessed August 13, 2025.

Carneiro, Lucianne. 2015. "País asiático planeja investir mais no setor de infraestrutura no Brasil." *O Globo*, April 13. https://oglobo.globo.com/economia/pais-asiatico-planeja-investir-mais-no-setor-de-infraestrutura-no-brasil-15854585. Accessed August 12, 2025.

"China: ferrocarril bioceánico se hará respetando medio ambiente y cultura de los pueblos." 2015. *Radio Nacional del Perú*, May 23. https://radionacional.gob.pe/informa/politica/china-ferrocarril-bioce-nico-se-har-respetando-medio-ambiente-y-cultura-de-los-pueblos/. Accessed August 14, 2025.

"China participará en estudios para un posible ferrocarril entre puertos de Brasil y Perú." 2025a. *El Comercio*, July 7. https://elcomercio.pe/economia/peru/china-participara-en-estudios-para-un-posible-ferrocarril-entre-puertos-de-brasil-y-peru-l-ultimas-noticia/. Accessed July 20, 2025.

COSIPLAN (Consejo Suramericano de Infraestructura y Planeamiento). 2015. *Detalle del Proyecto (h=29)*. http://cosiplan.org/proyectos/detalle_proyecto.aspx?h=29. Accessed August 13, 2025.

COSIPLAN. 2017. *Insumos para Elaborar una Estrategia que Facilite la Integración Ferroviaria de Suramérica*. https://www.iirsa.org/admin_iirsa_web/Uploads/Documents/Int_Ferroviaria_digital.pdf. Accessed August 13, 2025.

COSIPLAN. n.d. *Sistema de Información de Proyectos (SIP)*. http://cosiplan.org/proyectos/. Accessed July 20, 2025.

"Declaración de Perú y Bolivia para impulsar tren bioceánico." 2016. *DW*, November 4. https://www.dw.com/es/declaración-de-perú-y-bolivia-para-impulsar-tren-bioceánico/a-36205231. Accessed August 15, 2025.

"Dilma e premiê chinês anunciam estudos para ferrovia transoceânica." 2015. *Época Negócios*, May 19. https://epocanegocios.globo.com/Informacao/Acao/noticia/2015/05/dilma-e-premie-chines-anunciam-estudos-para-ferrovia-transoceanica.html. Accessed August 12, 2025.

"Dilma y Humala inauguran la carretera que unirá Brasil y Perú." 2015. *El País Brasil*, July 30.

"Evo Morales recibe apoyo europeo para tren bioceánico." 2017. *DW*, December 19. https://www.dw.com/es/evo-morales-recibe-apoyo-europeo-para-tren-bioceánico/a-41803752. Accessed August 15, 2025.

"Ferrocarril bioceánico consolidará el comercio bilateral con China." 2015. *TV Perú*, May 22. https://www.tvperu.gob.pe/noticias/politica/ferrocarril-bioceanico-consolidara-el-comercio-bilateral-con-china. Accessed August 13, 2025.

"Ferrocarril bioceánico entre Perú y Brasil sería inviable, según estudio." 2015. *Gestión*, June 10. https://gestion.pe/economia/ferrocarril-bioceanico-peru-brasil-seria-inviable-estudio-92158-noticia/#google_vignette. Accessed August 14, 2025.

"Grupo de inversionistas de EE.UU. tiene interés en construir el megapuerto de Corio." 2024. *Logística 360*, June 18. https://logistica360.pe/grupo-de-inversionistas-de-ee-uu-tiene-interes-en-construir-el-megapuerto-de-corio/. Accessed August 17, 2025.

Impactos dos conflitos Israel-Hamas e Rússia-Ucrânia no mercado global de fertilizantes e seus possíveis reflexos no agronegócio brasileiro. 2023. *Embrapa*, November. https://www.embrapa.br/documents/10180/26187851/Impactos+dos+conflitos+Israel-Hamas+e++R%C3%BAssia-Ucr%C3%A3nia+no+Mercado+Global+de+Fertilizantes+e+Seus++Poss%C3%ADveis+Reflexos+no+Agroneg%C3%B3cio+Brasileiro/f72ced47-4aaf-998a-8a5d-cdbdc0f559c6?version=1.0. Accessed August 13, 2025.

"IIRSA Norte y Tren Bioceánico, ¿la 'fórmula' para Perú incremente su comercio con Brasil?" 2025c. *Gestión*, August 12. https://gestion.pe/economia/iirsa-norte-podria-ayudar-a-que-peru-incremente-su-comercio-con-brasil-junto-al-tren-bioceanico-noticia/#google_vignette. Accessed August 12, 2025.

"Megapuerto de Chancay competirá con este gran puerto marítimo de Sudamérica: obra también superará al de San Antonio en Chile." 2025b. *El Comercio*, August 16. https://elcomercio.pe/respuestas/trends/megapuerto-de-chancay-competira-con-esta-gran-puerto-maritimo-de-sudamerica-obra-tambien-superara-al-de-san-antonio-en-chile-tdpe-noticia/. Accessed August 16, 2025.

Olmo, Guillermo D. 2024. "Cómo el megapuerto de Chancay que China estrena en Perú puede impactar en la economía de otros países de América Latina." *BBC News Mundo*, November 14. https://www.bbc.com/mundo/articles/c8jywxmxkryo. Accessed August 16, 2025.

OSITRAN (Organismo Supervisor de la Inversión en Infraestructura de Transporte de uso Público). 2025b. *Informe de Desempeño 2024: Concesión del Corredor Vial Interoceánico Sur Perú–Brasil, Tramo N.º 3: Inambari–Iñapari*. June. https://www.ositran.gob.pe/anterior/wp-content/uploads/2025/07/id-2024-iirsa-sur-tramo-3.pdf. Accessed November 14, 2025.

OSITRAN. 2025a. *Informe de desempeño IIRSA Norte—Año 2024*. July. https://www.gob.pe/institucion/ositran/informes-publicaciones/6925367-informe-de-desempeno-de-iirsa-norte-2024. Accessed August 3, 2025.

OSITRAN; COHIDRO (Concesionaria Hidrovía Amazónica S.A.). 2024. *Plan de Negocios 2024* [Presentación]. https://www.gob.pe/102823-acceder-a-informacion-sobre-la-hidrovia-amazonica-que-supervisa-el-ositran. Accessed August 3, 2025.

Peru. MINCETUR (Ministerio de Comercio Exterior y Turismo del Perú). n.d. *Flujo de Turistas Internacionales e Ingreso de Divisas por Turismo Receptivo*. [s.d.]. https://datosturismo.mincetur.gob.pe/appdatosturismo/content1.html. Accessed August 3, 2025.

Peru. Ministerio de Transportes y Comunicaciones. 2016. *Resolución Ministerial 396-2016 MTC/01.02*. https://www.gob. pe/institucion/mtc/normas-legales/10169-396-2016-mtc-01-02. Accessed August 12, 2025.

"Puerto de Chancay en Perú: oportunidades y amenazas en la nueva ruta entre China y Sudamérica." 2024. *DW*, November 15. https://www.dw.com/es/puerto-de-chancay-en-per%C3%BA-oportunidades-y-amenazas-en-la-nueva-ruta-entre-china-y-sudam%C3%A9rica/a-70787205. Accessed August 9, 2025.

Ponce Vargas, B. A. 2023. *Desafíos y perspectivas de la cooperación fronteriza con el Brasil*: *el caso de los Comités de Frontera Amazónicos*. Master's Thesis. Academia Diplomática del Perú Javier Pérez de Cuéllar. https://repositorio.adp.edu.pe/handle/ADP/227. Accessed November 14, 2025.

PPK Reitera: corredor bioceánico debe pasar por Bolivia y no por la selva brasileña. n.d. *Semana Económica*, https://www.semanaeconomica.com/que-esta-pasando/articulos/204504-ppk-reitera-corredor-bioceanico-debe-pasar-por-bolivia-y-no-por-la-selva-brasilena. Accessed August 15, 2025.

Rendón Cusí, Sisko Fernando. 2022. "Evolución de la planificación territorial en Perú 1920-2021: una aproximación histórica." *Perspectiva Geográfica 27* (1): 32–50. https://doi.org/10.19053/01233769.13523.

Sanborn-Pareja, Raúl, and Marta Quispe. 2025. *China's Economic and Business Presence in Peru, 1992–20.* Universidad del Pacífico.

Silva Barros, P., L. W. Severo, C. H. Ribeiro da Silva, and H. C. Carneiro. 2023. "Brasil do Atlântico ao Pacífico: rede interoceânica e fronteiras." In In *Fronteiras do Brasil: o litoral em sua dimensão fronteiriça*, coordinated by Pêgo, B., L. Nagamine, C. Krüger, and R. Moura, R. vol. 8, cap. 9. Ipea. https://repositorio.ipea.gov.br/entities/book/0d1982e5-7289-4371-bdca-6528c1611c8f. Accessed November 14, 2025.

Silva Barros, P., L. W. Severo, C. H. Ribeiro da Silva, and H. C. Carneiro. 2021. *Transformaciones Geoeconómicas en América del Sur: AMACRO, Integración Regional y Asia-Pacífico.* ALADI. (Working Paper OBS-AL-AP / DT 003 / 21). Observatorio América Latina–Asia–Pacífico, September. https://www2.aladi.org/biblioteca/Publicaciones/ALADI/Observatorio/Documentos_Trabajo/OBS_AL_AP_DT_003_2021.pdf . Accessed November 14, 2025.

Silva, César Pereira da. 2017. "Influência das políticas de integração da Amazônia nas dinâmicas demográficas da região Norte do Brasil." *Revista Contribuciones a las Ciencias Sociales*, April–June. http://www.eumed.net/rev/cccss/2017/02/politicas-integracion-amazonia.html. Accessed August 10, 2025.

"Tren Bioceánico: Brasil habla del acuerdo con China y dice que hay otras prioridades en agenda." 2025b. *Gestión*, July 26. https://gestion.pe/economia/tren-bioceanico-brasil-habla-del-acuerdo-con-china-y-dice-que-hay-otras-prioridades-en-agenda-noticia/. Accessed August 14, 2025.

"Tren Bioceánico: MTC elige recorrido Perú–Bolivia por US$ 7.548 millones." 2018. *El Comercio*, August 23. https://elcomercio.pe/economia/peru/tren-bioceanico-mtc-elige-recorrido-peru-bolivia-us-8-000-mlls-noticia-561360-noticia. Accessed August 15, 2025.

"Vizcarra confirma reunión con Morales sobre corredor ferroviario Brasil–Bolivia–Perú." 2018. *Gestión*, June 5. https://gestion.pe/peru/politica/vizcarra-confirma-reunion-morales-corredor-ferroviario-brasil-bolivia-peru-235301-noticia/. Accessed August 15, 2025.

SUSTAINABLE SOY AND COMMERCIAL DIPLOMACY: STRATEGIC SCENARIOS FOR BRAZIL–CHINA RELATIONS TOWARD COP30

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Abstract

This article analyzes how sustainable soy can become a strategic vector for trade and climate diplomacy between Brazil and China in the context of COP30 and beyond. We start from the recognition that agricultural interdependence shapes opportunities and vulnerabilities from the trade balance to environmental reputation. We use complexity lenses (Sensemaking/Cynefin and Estuarine Mapping) to identify fixed and negotiable constraints, map traceability pressures and climate risks, and, from there, construct three scenarios: (i) cooperation, with joint sustainability standards; (ii) dependence, with lock-in to commodities without robust governance; and (iii) climate leadership, with diversification and multilateral integration. The central argument is that soy, treated as a strategic platform (not just a commodity), can strengthen Brazil's bargaining power, reduce exposure, and convert international requirements into competitive advantage. We conclude with operational recommendations for diplomats and economic and climate policy makers.

Keywords: Sustainable soy. Climate diplomacy. Brazil–China. Global governance. Strategic scenarios.

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SOJA SUSTENTÁVEL E DIPLOMACIA COMERCIAL: CENÁRIOS ESTRATÉGICOS PARA A RELAÇÃO BRASIL – CHINA RUMO À COP30

Resumo

Este artigo analisa como a soja sustentável pode se tornar um vetor estratégico da diplomacia comercial e climática entre Brasil e China no contexto da COP30 e além. Partimos do reconhecimento de que a interdependência agrícola molda oportunidades e vulnerabilidades da balança comercial à reputação ambiental. Usamos lentes de complexidade (Sensemaking/Cynefin e Mapeamento Estuarino) para identificar restrições fixas e negociáveis, mapear pressões de rastreabilidade e riscos climáticos e, a partir daí, construir três cenários: (i) cooperação, com padrões conjuntos de sustentabilidade; (ii) dependência, com *lock-in* em *commodities* sem governança robusta; e (iii) liderança climática, com diversificação e inserção multilateral. O argumento central é que a soja, tratada como plataforma estratégica (não apenas *commodity*), pode ampliar o poder de barganha do Brasil, reduzir exposições e converter exigências internacionais em vantagem competitiva. Concluímos com recomendações operacionais para diplomatas e formuladores de política econômica e climática.

Palavras-chave: Soja sustentável. Diplomacia climática. Brasil-China. Governança global. Cenários estratégicos.

SOJA SOSTENIBLE Y DIPLOMACIA COMERCIAL: ESCENARIOS ESTRATÉGICOS PARA LA RELACIÓN ENTRE BRASIL Y CHINA DE CARA A LA COP30

Resumen

Este artículo analiza cómo la soja sostenible puede convertirse en un motor estratégico de la diplomacia comercial y climática entre Brasil y China en el contexto de la COP30 y más allá. Partimos de que la interdependencia agrícola genera oportunidades y vulnerabilidades—desde la balanza comercial hasta la reputación ambiental—. Con lentes de complejidad (Sensemaking/Cynefin y Mapeo Estuarino), distinguimos restricciones fijas y negociables, mapeamos presiones de trazabilidad y riesgos climáticos y construimos tres escenarios: (i) cooperación, con estándares conjuntos de sostenibilidad; (ii) dependencia, con lock-in en commodities sin gobernanza sólida; y (iii) liderazgo climático, con diversificación e inserción multilateral. La tesis central es que la soja, gobernada como plataforma estratégica y no solo como commodity, puede ampliar el poder de negociación de Brasil, reducir exposiciones y convertir exigencias internacionales en ventaja competitiva. Concluimos con recomendaciones operativas para diplomáticos y responsables de políticas económicas y climáticas.

Palabras clave: Soja sostenible. Diplomacia climática. Brasil–China. Gobernanza global. Escenarios estratégicos.

1. Introduction

Soy trade between Brazil and China represents one of the most significant bilateral commodity relationships in contemporary geopolitics, reshaping agricultural supply chains and diplomatic priorities. China's sustained demand has positioned Brazil as the world's largest soybean exporter, consolidating what Tixiliski (2024) characterizes as an integration in which Chinese investments serve as a practical representation of a broader economic strategy in global agriculture. However, this trade interdependence exists within a growing tension between commercial imperatives and climate diplomacy, particularly as Brazil approaches its role as a host of COP30. We use COP30 merely as a temporal anchor; our focus extends to the medium- and long-term trajectories of this relationship beyond the conference itself.

Interdependence combines scale and stability with ambiguous effects on trade balance and environmental reputation. Brazil supplies 76% of China's soybean imports while generating US$ 67.3 billion annually from the soy complex, representing 40% of Brazil's total export revenue (USDA-ERS 2019; Zhang 2021). Still, this concentration creates dual pressures: growing international demands for sustainable production, particularly from EU deforestation regulations; and asymmetric traceability requirements among destination markets, which expose governance gaps. Chinese imports face a 97% exposure to deforestation risks, contrasting sharply with the EU's stricter standards, while Brazilian NDC commitments remain threatened by continued carbon intensity in soybean-producing regions (Trase/SEI 2025; dos Reis and Meyfroidt 2023).

This article addresses the overarching research question: How can sustainable soy become a strategic driver of trade and climate diplomacy between Brazil and China, and what future scenarios may emerge from this relationship beyond COP30? The analysis pursues a general objective of examining how sustainable soy integrates into bilateral trade and climate diplomacy, mapping strategic scenarios while offering actionable recommendations for Brazilian foreign policy. We pursue three specific objectives: first, to diagnose the current role of soy within trade and climate diplomacy frameworks; second, to apply complexity-science frameworks to identify constraints and drivers of possible futures; third, to construct strategic scenarios encompassing cooperation, dependence, and diversification while discussing implications for Brazil's bilateral and multilateral negotiations.

We treat this problem as complex rather than merely complicated, requiring *probe-sense-respond* methods rather than linear planning (Snowden and Boone 2007). The Cynefin framework guides our recognition that patterns emerge only through safe-to-fail experiments and rapid signal detection. We employ estuarine mapping to identify constraints—governing, enabling, and volatile—and assess energy/time requirements for change, distinguishing fixed elements (China's food security imperative) from modifiable actants amenable to diplomatic intervention (The Cynefin Co. 2021; 2022). We integrate traceability asymmetries and climate risks as key drivers shaping scenario trajectories, recognizing that supply-chain adherence moderates both agricultural impacts and intervention pathways. This methodological combination allows us to map the "thick present" containing provisions that shape future possibilities without predetermining outcomes.

The analysis positions sustainable soy as Brazil's platform for trade and climate diplomacy, converting commodity dependence into strategic leverage. We deliver three scenarios with operational recommendations addressing constraints, risks, and opportunities within the current trade architecture. Section 2 examines strategic partnership and agricultural interdependence; Section 3 analyzes soy as a strategic asset; Section 4 addresses traceability and climate risks; Section 5 develops scenarios using complexity frameworks; Section 6 synthesizes implications for Brazilian diplomacy. Through this framework, we provide policymakers and negotiators with analytical tools to navigate the intricate intersection of climate diplomacy and trade relations in the era of climate urgency.

2. Brazil and China: Strategic Partnership and Agricultural Interdependence

Agricultural interdependence between Brazil and China combines scale and stability with ambiguous effects on the trade balance and environmental reputation. What began as a commodity-driven exchange has evolved into a form of structural complementarity in which Brazil supplies land-intensive products—particularly soy—while China imports these materials for domestic processing and consumption. This configuration has generated mutual dependence marked by clear asymmetries in bargaining power and exposure to risk (USDA-ERS 2019; Zhang 2021; Aguirre et al. 2021).

Three mechanisms underpin this interdependence: concentration, in which Brazil channels most of its soybean exports to China, while China

obtains most of its imports from Brazil; sensitivity to geopolitical and regulatory shocks, exemplified by the 2018 U.S.–China trade war, which temporarily increased Brazil's market share; and vulnerability reflected in the costs of adaptation and time required when market conditions change. China's accession to the WTO in 2001 established a tariff structure favoring imports of unprocessed soybeans, accelerating bilateral flows that now exceed historical patterns observed during previous trade disruptions (USDA-ERS 2019; farmdoc daily 2024).

Agriculture functions as the backbone of the bilateral relationship, with recent diversification beyond soy to include corn oil, peanuts, dried distillers' grains, and beef exports. This expansion reflects both Brazil's productive adaptability and the evolving preferences of Chinese consumers, supported by sustained improvements in quality control, sanitary standards, and certification processes that enhance traceability and market access. Formal mechanisms of cooperation—such as BRICS platforms and sectoral dialogues like the Brazil–China Food Security Dialogue—prioritize the stability of agricultural trade while addressing technological exchange and data-sharing (Brazilian Farmers 2025; CEBC 2024).

Soy simultaneously operates as Brazil's primary strategic asset and the channel through which traceability requirements, deforestation pressures, and carbon-intensity constraints enter the bilateral relationship. Brazil's dominant position as a supplier generates diplomatic leverage in food-security negotiations, yet this concentration exposes the country to regulatory asymmetries across destination markets—particularly the gap between Chinese import standards and the EU's stricter deforestation regulations. These governance disparities create reputational risks that threaten long-term market access and complicate Brazil's climate commitments, dynamics explored in detail in Section 4 (Trase/SEI 2022; 2025; ABOVE/WWF/USDA-FAS 2025).

The diplomatic implication is the need to treat this interdependence as strategic infrastructure requiring coordinated regulatory frameworks, supply-chain transparency, and safe-to-fail pilot projects to reduce transition costs. Rather than viewing concentration as a permanent advantage or an insurmountable vulnerability, policymakers should develop adaptive mechanisms that leverage current scale while building resilience through diversification, value-added processing, and multilateral partnerships that buffer against single-market dependence (Aguirre et al. 2021; Zhang 2021).

Table 1. Key Indicators of Brazil-China Interdependence (2019–2024)

Indicator	Synthetic Evidence	Diplomatic Implication	Main source
China's share in the flow of Brazilian soybean exports	China maintains a structurally high share of Brazilian soybean purchases, with pro-Brazil spikes during shocks (e.g., 2018).	High concentration of export destinations → heightened sensitivity to external shocks..	USDA-ERS (2019); farmdoc daily (2024)
Brazil's share in China's soybean supply	Brazil holds a consolidated leadership position in China's soybean supply, with fluctuations driven by price dynamics and geopolitical shifts.	Leverage for regulatory and logistical coordination.	USDA-ERS (2019); Zhang (2021)
Weight of the soy complex in Brazil's total exports	A high and persistent share of soy in Brazil's total export value.	External benefits vs. the risk of commodity dependence.	farmdoc daily (2024); CEBC (2024)
Diversification of Brazil's agricultural export portfolio	Growing presence of corn, meats, and inputs; sanitary and logistical adjustments underway.	Opportunity to spread risk and negotiate standards.	Brazilian Farmers (2025); CEBC (2024)
Sustainability and due-diligence pressures	Strengthening of traceability and deforestation-free requirements in third-country markets (EUDR).	Need for regulatory convergence and verifiable compliance mechanisms.	Trase/SEI (2022; 2025)
Reputation and sustainable finance	ESG metrics increasingly affecting credit, insurance, and market access.	Compliance costs today vs. competitive advantage tomorrow.	CEBC (2024)
Soy Moratorium (scope and lessons)	Demonstrated results in the Amazon; ongoing debates around the Cerrado and sectoral governance.	Foundation for bilateral arrangements and certification pilot projects.	ABIOVE; WWF; USDA-FAS (2025)

Source: Prepared by the authors based on Trase/SEI (2022; 2025); ABIOVE/WWF/USDA-FAS (2025).

3. Strategic Soy, Traceability, and Climate Risks

Soy functions as a strategic platform for Brazil, combining trade-balance stability, diplomatic leverage, and vulnerability to sustainability pressures. The soy complex generated US$ 67.3 billion in 2023, representing 40% of Brazil's total export revenue and establishing soy as infrastructure rather

than a simple commodity (farmdoc daily 2024). This transformation goes beyond economic metrics to encompass foreign direct investment flows and supply-chain control, where segments protected by patents create dependencies that limit Brazil's technological autonomy in critical agricultural inputs (Cruz, Medina, and Oliveira Júnior 2022).

Brazil's dominant position as a supplier creates substantial diplomatic leverage with China through network effects that reinforce food-security resilience. Wang et al. (2023), using comprehensive network analysis, demonstrate that Brazil plays a positive role in strengthening China's anti-interference capacity in soybean trade flows, whereas the United States does not—making Brazil strategically valuable for China's food-security objectives. This positioning has been consolidated by the concentration of exports reaching 73% from 2019 to 2023, with peaks of 82% during the 2018 U.S.–China trade war illustrating how geopolitical disruptions amplify Brazil's strategic relevance (farmdoc daily, 2024). However, such concentration generates both opportunity—enhancing Brazil's bargaining power in bilateral discussions—and exposure to Chinese diversification strategies, policy shifts, or economic slowdowns that could rapidly overturn established trade patterns.

International sustainability pressures increasingly challenge traditional commodity-trade practices through multiple channels. The European Union's due-diligence requirements, particularly the Deforestation Regulation (EUDR) entering mandatory enforcement in December 2025, establish traceability obligations for imports of soy grown on land converted after December 2020. Consumer demand for sustainable products and financial-market expectations for ESG compliance add further layers of pressure, affecting access to credit, insurance costs, and market premiums. These external pressures manifest asymmetrically across destination markets, compelling both Brazil and China to adjust production and export strategies while creating opportunities for bilateral cooperation in establishing alternative sustainability standards aligned with Chinese priorities without replicating European regulatory models (Cruz, Medina, and Oliveira Júnior 2022; Trase/SEI 2025).

Traceability challenges expose fundamental governance gaps, threatening long-term market access and diplomatic credibility. Deforestation linked to soy expansion reached 794,000 hectares in 2022, generating 121 million tons of CO_2 emissions—representing 9% of Brazil's total land-use-change emissions—with only 370 municipalities accounting for 95% of all soy-related deforestation while producing 58% of national output (Trase/SEI, 2025). Supply-chain transparency limitations mean that 15–18% of traded soy—approximately 20 million tons—cannot be linked to specific producing municipalities due to

missing data on ownership of silos and crushing facilities. The Amazon Soy Moratorium has demonstrated governance effectiveness within covered regions but leaves the Cerrado without equivalent protection, creating regulatory asymmetries across biomes. Market-exposure analysis reveals stark contrasts: China faces 97% exposure to deforestation in its soybean imports compared to 58% for EU imports, generating differentiated competitive dynamics in which Brazilian exporters benefit from less stringent Chinese standards while facing reputational risks in European markets (Trase/SEI 2025; ABIOVE/WWF/USDA-FAS 2025).

These dynamics transform sustainability challenges into diplomatic opportunities by positioning traceability and ESG compliance as platforms for Brazil-China joint development of standards. Rather than viewing international pressures as constraints, policymakers can leverage sustainability requirements to negotiate bilateral certification systems, technology-transfer arrangements, and safe-to-fail pilot projects in selected municipalities that demonstrate feasibility without imposing immediate systemic costs. Three strategic scenarios emerge from this analysis: cooperation, in which both countries co-create standards that serve mutual interests; dependence, in which Brazil remains locked into commodity exports without governance improvements; and diversification, in which Brazil employs sustainable production as a platform for multilateral engagement beyond bilateral concentration. These scenarios, examined in Section 5, will determine whether Brazil converts commodity dependence into climate leadership while maintaining competitive advantages in the post-COP30 era.

4. Strategic Scenarios beyond COP30: complexity Science and Estuarine Mapping

Given the interdependence examined in previous sections and the intensifying traceability and climate pressures, we construct three strategic scenarios for Brazil–China soy diplomacy in the post-COP30 landscape. These scenarios function as sensemaking tools rather than forecasts, enabling policymakers to understand the evolutionary potential embedded within current constraints and to identify safe-to-fail experiments that generate beneficial emergent properties without catastrophic downside risk (David Snowden and Boone 2007; The Cynefin Co-Snowden. 2021; 2022).

The key constraints and vectors of change are synthesized in Table 2—Estuarine Mapping: Energy/Time Matrix of Actants for Sustainable

Soy Diplomacy—which guides the prioritization of safe-to-fail interventions. This framework distinguishes between fixed elements that require indirect action and modifiable actors that are amenable to direct diplomatic intervention, enabling the strategic allocation of resources across different time horizons and energy requirements for systemic change.

Table 2. Estuarine Mapping: Energy/Time Matrix of Actants for Sustainable Soy Diplomacy

Actants	Energy required to change	Time required to change	Position within the domain	Safe-to-fail experiments
China's food security imperative	Very high	Very long	Counterfactual	Monitor and/or request partnerships
Brazil's export dependence (73% directed to China)	High	Medium	Area of action	Diversify markets and develop value-added processing
EU deforestation regulations (EUDR)	Medium	Short	Area of action	Pilot certification systems
Amazon Soy Moratorium	Medium	Medium	Area of action	Expand to the Cerrado
Carbon intensity (794,000 hectares/ year)	High	Long	Liminal	Research regenerative agriculture
Deforestation (121 Mt CO_2)	High	Medium	Action zone	Pilot blockchain-based traceability systems

Source: Authors' own work based on The Cynefin Co-David Snowden (2022–2023).

Scenario 1—Cooperation: Co-Creating Sustainable Standards

Brazil and China recognize mutual vulnerability and convert bilateral dependence into collaborative leadership by establishing joint sustainability standards. Two key vectors drive this scenario: the development of bilateral certification systems, including municipal-level traceability linked to export documentation; and green-finance mechanisms that reward regenerative agricultural practices through carbon-credit arrangements. Safe-to-fail experiments include pilot certification initiatives in selected municipalities with high deforestation rates and technology-transfer programs for precision agriculture aimed at reducing land-conversion pressure. Joint Brazil–China verification protocols create enabling constraints for innovation while addressing international pressures without replicating European regulatory approaches. Primary risks include potential lock-in effects limiting future

flexibility and the possibility that jointly developed standards could become trade-barrier triggers in disputes with third parties. Trigger events requiring scenario adjustment include a sudden expansion of the EUDR to additional commodities or domestic political shifts in China toward import-substitution strategies (Trase/SEI 2022; 2025; Wang et al. 2023).

Scenario 2—Dependence: Commodity Lock-in without Robust Governance

Brazil remains trapped in commodity exports without developing governance mechanisms consistent with emerging sustainability requirements, resulting in rising vulnerability to external shocks and reputational harm. Two vectors characterize this trajectory: continued concentration without improvements in traceability and reactive responses to international pressure, producing compliance gaps across destination markets. The absence of proactive governance transforms deforestation metrics into volatile constraints, triggering sudden regulatory shifts when thresholds are exceeded. Safe-to-fail experiments remain limited to defensive measures aimed at preserving existing market access, rather than creating competitive advantages through sustainability-based differentiation. Primary risks include EU trade restrictions under EUDR enforcement, reputational damage affecting access to premium markets, and vulnerability to Chinese diversification strategies or policy changes. Trigger events include climate-related shocks to production, intensified international advocacy campaigns, or geopolitical disruptions similar to the 2018 U.S.–China trade tensions redirecting trade flows (USDA-FAS 2025; CEBC 2024).

Scenario 3—Diversification via Multilateral Climate Governance

Brazil positions itself as a leader in climate diplomacy by leveraging sustainable soy as a platform for multilateral engagement while strategically diversifying export bases beyond bilateral concentration. Two vectors enable this scenario: the COP30 momentum, establishing South–South cooperation frameworks for sustainable agriculture; and multilateral partnerships through BRICS+ and alternative financing mechanisms, reducing dependence on a single market. Safe-to-fail experiments include partnerships with African soy-producing nations, the development of regional sustainability standards aligned with Global South priorities, and public-private coalitions that create alternative certification systems. This approach requires research-intensive and interaction-based interventions that modify connections between actants rather than the actants themselves. Primary risks involve potential tensions

with China if diversification signals a strategic decrease in commitment, the complexity of managing multiple simultaneous relationships, and the coordination costs associated with disparate institutional frameworks. Trigger events include successful COP30 outcomes generating new governance architectures or competing sustainability initiatives that fragment global standards (Trase/SEI 2025; Wang et al. 2023).

In Table 3, each scenario is summarized through its enabling constraint, two operational vectors, and the recommended diplomatic posture. This synthesis supports comparative analysis across scenarios while identifying which constraints can be amplified to generate beneficial emergent patterns and which must be dampened to prevent systemic disruptions in bilateral and multilateral negotiations.

Table 3. Strategic Scenarios: Complex Adaptive System Analysis

Scenario	Enabling Constraints	Emergent Properties	Vector Actions	Diplomatic Posture
Cooperation	Joint sustainability standards, technology sharing, bilateral climate fund	Brazil as China's premium sustainable supplier, institutional innovation	Stabilize the partnership and trigger innovation	Strategic alliance leader
Dependence	Current trade standards, regulatory gaps, short-term profitability	Vulnerability to external shocks, governance deficits	Monitor risks and pursue compass-rose diversification	Reactive commodity supplier
Climate leadership	COP30 momentum, South-South cooperation, multilateral frameworks	Brazil as a global sustainability model; formation of new coalitions	Research alternatives, interact with multiple partners	Proactive multilateral leader

Source: Authors' own elaboration based on The Cynefin Co-David Snowden (2022–2023).

5. Implications for Brazil's Commercial and Climate Diplomacy and Conclusion

Brazil–China soy diplomacy is shaped by a dense web of interdependence, competing constraints, and emerging opportunities across trade, climate, and domestic governance. Rather than a mere commodity partnership, it has

evolved into a system characterized by supply-chain stickiness and network lock-ins that generate both leverage and exposure. The political challenge is to convert this structure into strategic advantage while reducing reputational and transition risks in the post-COP30 trajectory (Tixiliski 2024; Zhang 2021; dos Reis and Meyfroidt 2023).

In complex domains, leaders advance through probe-sense-respond, not predict-and-control. In practice, this means executing safe-to-fail experiments and scaling what works. Moreover, estuarine mapping helps disentangle fixed constraints (e.g., China's food-security imperative) from negotiable constraints (e.g., verification pathways, financing terms), guiding where to intervene with lower energy/time costs. Two immediate probes therefore stand out: joint certification pilots in priority corridors, and finance/insurance windows linked to verifiable traceability (Snowden and Boone 2007; The Cynefin Co. 2021; 2022). Additionally, we explore three Post-COP30 scenarios:

> Scenario 1—Cooperation (Co-creating Sustainable Standards): Brazil and China co-design robust, interoperable standards; launch municipal certification pilots and a bilateral investment window; and manage EU due-diligence spillovers through rapid data-sharing protocols.
>
> Scenario 2—Dependency (Commodity Lock-in without Robust Governance): Recognize exposure to price/regulatory shocks; diversify markets and premium segments; monitor energy/time signals to avoid reinforcing lock-ins.
>
> Scenario 3—Diversification via Multilateral Climate Governance: Combine BR–CN coordination with South–South coalitions; align climate-finance and traceability protocols to accelerate compliance at scale (Trase/SEI 2022; 2025; USDA-FAS 2025; CEBC 2024; dos Reis and Meyfroidt 2023).

Table 1—Estuarine Mapping: Energy/Time and *Table 2—Strategic Scenarios* operationalize these choices, linking constraints, enabling vectors, and recommended diplomatic postures for each scenario.

For negotiators, the shift is from transactional agreements to a compass-guided strategy that triggers and stabilizes directional change in the trade-and-climate system. Priorities include building public-private coalitions for traceability, embedding minimum-compliance clauses in BR–CN contracts, and using real-time monitoring to dampen adverse patterns and amplify positive ones. This approach protects market access in third-country

jurisdictions and strengthens Brazil's position in bilateral negotiations (Zhang 2021; Trase/SEI 2025; CEBC 2024).

Ultimately, the strategic bottom line is to treat sustainable soy as a platform for international integration, not as a passive commodity. Governing the chain through co-certification, interoperable data systems (CAR/invoice/export systems), and climate-finance alignment transforms external requirements into competitive advantage. With disciplined experimentation and estuarine navigation, Brazil can expand bargaining power, reduce transition costs, and co-lead climate-trade norms with China in the post-COP30 era and beyond (The Cynefin Co. 2021; dos Reis and Meyfroidt 2023; Snowden and Boone 2007).

References

ABIOVE. 2023–2025. *Documentos oficiais sobre a Moratória da Soja*. https://www.abiove.org.br/. Accessed August 28, 2025.

Aguirre, M. L. C., A. Bunde, K. Rizzi, and A. Carletti. 2021. "Brasil e China e a dependência na semiperiferia: uma análise das relações econômicas (2009–2018)." *Revista Tocantinense de Geografia* 10 (20): 168–91.

Ali, T., Z. Li, C. Wu, D. Peng, and H. Yu. 2022. "The Impact of Climate Change on China and Brazil's Soybean Trade." *Land* 11 (12): 2286. https://doi.org/10.3390/land11122286.

Bear, M., Y. Li, and F. Zhang. 2017. "Property Rights and the Soybean Revolution: Shaping How China and Brazil Are Telecoupled." *Sustainability* 9 (6): 954. https://doi.org/10.3390/su9060954.

Brazilian Farmers. 2025. *Brazil and China: A Strategic Partnership Shaping the Future of Food*. CNA. https://brazilianfarmers.com.br. Accessed August 26, 2025.

CEBC—Conselho Empresarial Brasil–China. 2020–2024. *Relatórios setoriais de agronegócio e comércio Brasil–China*. https://cebc.org.br/. Accessed September 29, 2025.

Cruz, J. E., G. da S. Medina, and J. R. de Oliveira Júnior. 2022. "Brazil's Agribusiness Economic Miracle: Exploring Food Supply Chain Transformations for Promoting Win–Win Investments." *Logistics* 6 (1): 23. https://doi.org/10.3390/logistics6010023.

Dos Reis, T. N. P., and P. Meyfroidt. 2023. "Explaining the Stickiness of Supply Chain Relations in the Brazilian Soybean Trade." *World Development* 163: 106123. https://doi.org/10.1016/j.worlddev.2022.106123.

Farmdoc Daily. 2024. *The United States, Brazil, and China Soybean Triangle: A 20-Year Analysis*. University of Illinois, February 20. https://farmdocdaily.illinois.edu. Accessed September 4, 2025.

Farmdoc Daily. 2025. *Trade Conflicts and Long-Term Consequences: Are Soybeans Doomed to Repeat History?* University of Illinois. https://farmdocdaily.illinois.edu. Accessed September 18, 2025.

Guolin, Y. 2020. *Overview of China's Soybean Boom from a Global Perspective*. Open Access Dissertation, Purdue University. https://docs.lib.purdue.edu/open_access_dissertations/3098/. Accessed August 26, 2025.

SEI; Trase. 2020. *Indirect Land-Use Change Deforestation Linked to Soy Threatens Prospects of Sustainability.* https://trase.earth/insights/indirect-land-use-change. Accessed September 18, 2025.

Siewers, S. 2025. "The (Other) China Shock and the Brazilian Soy Boom." *SSRN Working Paper*. https://doi.org/10.2139/ssrn.5118985.

Snowden, D., and M. Boone. 2007. "A Leader's Framework for Decision Making." *Harvard Business Review* 85 (11): 68–76.

The Cynefin Co. 2021. *Estuarine Framework*. https://cynefin.io/wiki/Estuarine_framework. Accessed September 29, 2025.

The Cynefin Co. 2022. *Estuarine Mapping (First Edition)*. https://thecynefin.co/estuarine-mapping/. Accessed August 28, 2025.

Tixiliski, G. O. 2024. "Chinese Global Agribusiness Project in the Brazilian Soybean Commodity Chain: Historical Structures and Current Actions." *Brazilian Journal of Political Economy* 44 (2): 340–56. https://doi.org/10.1590/0101-31572024-3525.

Trase. 2022. *Connecting Exports of Brazilian Soy to Deforestation.* Trase Insights, December 7. https://insights.trase.earth. Accessed September 4, 2025.

Trase; SEI; Global Canopy. 2025. *Brazilian Soy Exports and Deforestation*. Trase Insights, January 28. https://insights.trase.earth. Accessed August 26, 2025.

USDA—Economic Research Service. 2019. *Interdependence of China, United States, and Brazil in Soybean Trade.* OCS-19F-01.

USDA—Foreign Agricultural Service. 2025. *Brazil's Soy Moratorium—Balancing Economic Interests and Regulatory Measures.* GAIN Report BR2025-0016.

Wang, M., L. Yang, X. Zhao, H. Xu, Q. Ruan, and Q. Li. 2023. "Structural Evolution of Global Soybean Trade Network and the Implications to China." *Foods* 12 (7): 1550. https://doi.org/10.3390/foods12071550.

WWF. 2021. *Brazil's Amazon Soy Moratorium—Case Study.* WWF Forest Solutions. https://forestsolutions.panda.org/case-studies/brazils-amazon-soy-moratorium. Accessed September 18, 2025.

Yang, X., L. Zhou, and H. Wang. 2017. "The Sino-Brazilian Telecoupled Soybean System and Cascading Effects for the Exporting Country." *Land* 6 (3): 53. https://doi.org/10.3390/land6030053.

Yevchenko, N., L. Li, and Z. Huang. 2021. "Ensuring Sustainable Imports of Soybeans to China: A Comparative Study of Bilateral Foreign Trade with Brazil." *E3S Web of Conferences* 273: 08014. https://doi.org/10.1051/e3sconf/202127308014.

Zhang, F. 2021. "Competitiveness or Complementarity: Analysis of Agricultural Trade Between China and Brazil." *Problems and Perspectives in Management* 19 (4): 258–69. https://doi.org/10.21511/ppm.19(4).2021.21.

MARIA JOSÉ DE CASTRO REBELLO MENDES AWARD

FROM BAKU TO BELÉM: GAPS IN THE GLOBAL CLIMATE FINANCE ARCHITECTURE AND BRAZIL'S CHALLENGES AT COP30

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Abstract

Climate finance has become a central concept in international discussions on climate change and has occupied a significant place in negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) since its inception in 1992. Yet the concept continues to face fundamental limitations, lacking consensus on its definition and methodological parameters. This hampers the effective measurement of climate-related financial flows and compromises the credibility of the financial targets agreed upon within the UNFCCC framework. In this context, the aim of this article is to critically examine climate finance by analyzing its main limitations and gaps that undermine its quality. At the same time, the study seeks to identify possible perspectives for the 30th Conference of the Parties (COP) in Belém under Brazil's leadership, based on the country's recent positioning on the topic. To this end, the research is carried out through a qualitative-quantitative exploration, relying on a literature review and secondary data analysis. The theoretical focus of the article is Institutionalist, based on institutional interactions at the global level that form the climate finance architecture.

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The results point to an urgent need to revise the management of climate finance flows in order to mobilize the US$ 300 billion per year envisaged by the UNFCCC. Additionally, it is stated that Brasil's presidency of COP30 will require diplomatic skill and creativity to overcome the challenges facing the conference and achieve the necessary consensus among the parties present to make important decisions on the climate finance goals of the Framework Convention.

Keywords: International Organizations; International Cooperation; Global Public Good; Climate Change.

DE BAKU PARA BELÉM: AS LACUNAS DA ARQUITETURA GLOBAL DE FINANCIAMENTO CLIMÁTICO E OS DESAFIOS DO BRASIL NA COP30

Resumo

O financiamento climático é um termo chave das discussões internacionais sobre a mudança do clima e tem ocupado um espaço significativo nas negociações da Convenção-Quadro das Nações Unidas sobre a Mudança do Clima (UNFCCC) desde o seu lançamento em 1992. No entanto, o conceito continua apresentando limitações fundamentais, carecendo de um consenso acerca da sua definição e dos seus parâmetros metodológicos. Isso impede a mensuração efetiva desses fluxos financeiros e compromete a qualidade das metas financeiras acordadas no âmbito da UNFCCC. Tendo isso em vista, o objetivo deste artigo é examinar o financiamento climático criticamente, analisando as suas principais limitações e lacunas que prejudicam a sua qualidade. Ao mesmo tempo, o trabalho visa apontar algumas perspectivas para a 30ª Conferência das Partes (COP) em Belém sob a liderança do Brasil a partir de movimentações recentes do país em relação à temática. Para tanto, a pesquisa é realizada por meio de uma exploração qualitativa-quantitativa, contando com uma revisão bibliográfica e com a análise de dados secundários. O enfoque teórico do artigo é Institucionalista, pautando-se nas interações institucionais no nível mundial que formam a arquitetura global de financiamento climático. Os resultados apontam para a necessidade urgente de revisar a condução dos fluxos financeiros climáticos a fim de se mobilizar os US$ 300 bilhões anuais previstos pela UNFCCC. Adicionalmente, afirma-se que a presidência brasileira da COP30 vai requer de habilidade e criatividade diplomática para contornar os desafios postos à conferência e atingir o consenso necessário entre as partes presentes para tomar decisões importantes sobre as metas de financiamento climático da convenção-quadro.

Palavras-chave: Organizações Internacionais; Cooperação Internacional; Bem Público Mundial; Mudanças Climáticas.

DE BAKÚ A BELÉM: LAS LAGUNAS DE LA ARQUITECTURA GLOBAL DE FINANCIACIÓN CLIMÁTICA Y LOS RETOS DE BRASIL EN LA COP30

Resumen

La financiación climática es un término clave en las discusiones internacionales sobre el cambio climático y ha ocupado un espacio significativo en las negociaciones de la Convención Marco de las Naciones Unidas sobre el Cambio Climático (CMNUCC) desde su creación en 1992. Sin embargo, el concepto sigue presentando limitaciones fundamentales, careciendo de un consenso en cuanto a su definición y a sus parámetros metodológicos. Esto impide la medición efectiva de estos flujos financieros y compromete la calidad de las metas financieras acordadas en el marco de la CMNUCC. En este contexto, el objetivo de este artículo es examinar críticamente la financiación climática, analizando sus principales limitaciones y vacíos que afectan su calidad. Al mismo tiempo, el trabajo busca indicar algunas perspectivas para la 30ª Conferencia de las Partes (COP30) en Belém, bajo el liderazgo de Brasil, a partir de los movimientos recientes del país en relación con la temática. Para ello, la investigación se lleva a cabo mediante una exploración cualitativo-cuantitativa, que incluye una revisión bibliográfica y el análisis de datos secundarios. El enfoque teórico del artículo es institucionalista, centrado en las interacciones institucionales que conforman la arquitectura global de la financiación climática. Los resultados apuntan a la necesidad urgente de revisar la gestión de los flujos financieros climáticos, con el fin de movilizar los 300 mil millones de dólares anuales previstos por la CMNUCC. Además, se argumenta que la presidencia brasileña de la COP30 requerirá de habilidad y creatividad diplomática para superar los desafíos que enfrenta la conferencia y alcanzar el consenso necesario entre las partes presentes para tomar decisiones importantes sobre las metas de financiación climática de la convención marco.

Palabras clave: Organización Internacional; Cooperación Internacional; Bien Público Mundial; Cambio Climático.

Introduction

Since the 1990s, climate issues have gained increasing prominence on the international agenda. Currently, climate change stands as one of the main civilizational drivers of the twenty-first century, with an almost universal consensus on the threats posed by anthropogenic action to the stability of the planetary climate system (Viola, Franchini, and Ribeiro 2012). According to the Intergovernmental Panel on Climate Change (IPCC), greenhouse gas (GHG) emissions resulting from human socioeconomic activities have increased the global average surface temperature by 1.1°C compared to pre-industrial levels. This trend has intensified the number of extreme weather and climate events around the world, although their most drastic consequences are distributed unevenly across geographic regions and social classes. Despite this recognition, global GHG emissions continue to rise (Lee and Romero 2023).

As Bigger and Carton (2020, 649) state, "[...] climate policy has not been *financialized*; it has always been financial."[2] Since the 1992 United Nations Conference on the Environment in Rio de Janeiro, the international community has been concerned with mobilizing financial resources to support global decarbonization and adaptation to the adverse effects of climate change. Thus, climate finance has become a central term in international climate policy and, more specifically, within the United Nations Framework Convention on Climate Change (UNFCCC).

Despite its importance, the concept was officially adopted only at the Copenhagen Conference of the Parties (COP) in 2009. Since then, the international community has continuously increased its climate finance flows, from US$ 364 billion between 2011 and 2012 to US$ 1.3 trillion between 2021 and 2022 (CPI 2023a). However, according to the Organization for Economic Co-operation and Development (OECD), global demand for climate finance has intensified by 36% between 2015 and 2022. At the same time, available investment has increased by only 22%. As a result, the estimated finance gap widened from US$ 2.5 trillion to US$ 4 trillion per year over the same period. If the international financial system is not reformed to expand capital availability, this gap will reach US$ 6.4 trillion by 2030 (OECD 2025).

At COP15, the UNFCCC financial target for industrialized nations was agreed at US$ 100 billion per year by 2020. Given the difficulty high-income economies demonstrated in meeting this target, the deadline was postponed to 2025 (Bergsvik et al. 2024). COP29, held in Baku, replaced this target to

2 Bigger and Carton 2020, 649.

reflect the urgency of the climate crisis, setting expectations to US$ 300 billion from developed countries and US$ 1.3 trillion from all actors annually by 2035 (Thompson and Weikmans 2025). This new target triples previous expectations; however, the agreed amount was viewed as insufficient and unambitious, drawing criticism by UNFCCC signatory states and members of civil society present at COP29 (Beynon, Mathiasen, and Mitchell 2024; Thompson and Weikmans 2025).

Therefore, it is expected that the established figure will be revisited at COP30, which will be held in Belém between November 10 and 21, 2025. The challenges and opportunities facing the Brazilian presidency are diverse, especially with regard to revising the new financial target and overcoming the limitations observed in the mobilization and distribution of climate finance (Roberts et al. 2021; Thompson and Weikmans 2025; Weikmans and Roberts 2019).

In this context, this article aims to critically analyze climate finance, pointing out its limitations and persistent gaps in mobilizing financial resources that undermine the goals agreed upon under the UNFCCC. Additionally, it aims to examine the perspectives for COP30 under Brazil's leadership by assessing the country's recent movements in relation to the agenda. Methodologically, this research adopts a qualitative-quantitative exploratory approach, relying on a review of the main literature and analysis of secondary data collected from sources such as the OECD, the Climate Policy Initiative (CPI), and OXFAM International.

The theoretical approach of this work falls within the framework of Institutionalism, highlighting the work of Biermann et al. (2009) in their understanding of global governance architectures. In contemporary international politics, institutional fragmentation is an undeniable reality. For the authors, analyzing a given governance architecture makes it possible to understand the public and private institutions that govern a specific domain human activity at the global level. These institutions may or may not be aligned in pursuit of a certain objective or may present elements of contention.

When examining global climate finance, it is appropriate to analyze its global governance architecture, as this approach allows for an understanding of different "[...] policy domains in international relations that are not regulated, and often not even dominated, by a single international regime in its traditional understanding (Biermann et al. 2009, 16). In the case of climate finance, it can be pointed out that the main institution guiding global conduct is the UNFCCC. This fact prevents the mobilization of climate resources from becoming entirely divergent or conflicting, since there remains at least

minimal alignment among the international institutions mobilizing climate investments in relation to the objectives established by the Convention (Biermann et al. 2009).

Beyond this introduction and the final considerations, which synthesize the discussion presented, the article first outlines the historical development of the global climate-finance architecture since the 1992 Rio Conference. It then critically examines climate finance and analyzes the UNFCCC's financial targets by identifying methodological and technical limitations in climate-finance reporting. Finally, it discusses perspectives for COP30 in Belém, emphasizing its significance for international climate politics given the 2030 deadline of the Paris Agreement, and highlights several initiatives already undertaken by Brazil in preparation for the conference.

History of the Global Climate Finance Architecture

Although the term "climate finance" was officially introduced into the vocabulary of global climate policy at COP15 in 2009, the financial dilemma that characterizes the fight against climate change has been present in international discussions since the 1990s. As an outcome of the 1990 World Climate Conference in Geneva, a Ministerial Declaration was issued inviting governments around the world to develop a global response to the climate challenge. The document introduced the need to mobilize financial resources to support developing countries in addressing climate change. In 1992, the Rio de Janeiro Conference advanced the efforts initiated in Switzerland by establishing the UNFCCC (Michaelowa and Sacherer 2022). Despite the fragmented nature of the global governance architecture of climate policy (Biermann et al. 2009), the UNFCCC provides a multilateral space conducive to the participation of a large number of stakeholders and concentrates most of the world's efforts to address the climate crisis due to its near-universal membership (Achampong 2022; Keohane and Victor 2010).

The financial nature of international climate policy is reflected in key elements of the UNFCCC. First, the principle of "Common but Differentiated Responsibilities" is agreed upon, which differentiates the expected efforts of industrialized and developing nations according to their historical contributions to the current climate scenario. The interconnected nature of addressing the climate crisis with the international financial system reinforces the fact that "[...] raising and distributing large sums of funding to address injustice does not happen in a historical vacuum" (Ciplet et al. 2022, 2). Thus, the idea of

the historical responsibility of advanced economies for the current state of the global climate is introduced, justifying their financial support to low- and middle-income countries (Michaelowa and Sacherer 2022).

Second, the 1992 conference ensured the establishment of financial mechanisms[3] under UNFCCC jurisdiction and in partnership with other international financial institutions to support the climate initiatives of underdeveloped and emerging economies. Third, the creation of the Framework Convention made it possible for the first international climate treaty—the Kyoto Protocol—to be signed in 1997, establishing binding global GHG-emissions reduction targets for industrialized nations only. This restriction of obligations to high-income economies removed any provision for public capital transfers to underdeveloped countries from the treaty, placing greater emphasis on the role of private markets and carbon credits in providing support to these states (Michaelowa and Sacherer 2022).

In 2009, nearly two decades of international climate negotiations culminated in the goal of US$ 100 billion annually by 2020 to to be mobilized by industrialized nations and distributed among underdeveloped countries, established at COP15 in Copenhagen. The event was expected to successfully address limitations of the Kyoto Protocol, particularly regarding the participation of low- and middle-income nations in the global effort to reduce GHG emissions. However, the conference failed to make progress on this front. Although COP15 is remembered for introducing the term "climate finance" as it is currently known, it did not propose a specific definition for it and continued to place disproportionate emphasis on private market mechanisms (Michaelowa and Sacherer 2022).

The following years were devoted to refining the new financial commitments established in Copenhagen. At the 2010 Cancún Conference, it was established that most multilateral climate finance flows would be allocated to climate trust funds. As a result, the number of financial mechanisms focused on the climate agenda grew considerably, comprising multilateral and bilateral flows, national and subnational contributions, and public and private financing. Accounting for total available funding is a complex task (Bracking and Leffel 2021), but

3 The Global Environment Facility (GEF) was the first multilateral climate-finance instrument and began its activities in 1994 (Michaelowa and Sacherer 2022). The Green Climate Fund (GCF) was established in Durban in 2011 with the objective of supporting the GEF's efforts and operating under the guidance of the COP Secretariat. Although formally part of the UNFCCC, the World Bank is responsible for its technical administration. The expectation was that the GCF would become the principal channel through which climate-finance flows would be mobilized—thereby reducing fragmentation in the global climate-finance architecture. However, this did not occur. One of the reasons for this shortcoming lies in the differing views of the UNFCCC and the World Bank regarding the management of these funds (Skovgaard et al. 2023).

this diversity undeniably allows for the participation of new actors, the use of numerous financial instruments, and greater complexity in interactions across governance levels, further contributing to the fragmentation of the governance architecture analyzed (Biermann et al. 2009).

In 2015, COP21 aimed to replace the Kyoto Protocol with a more comprehensive international treaty that would take into account both the limitations of consensus-based decision-making, characteristic of the United Nations system, and its incompatibility with the urgent nature of combating the climate crisis. As a result, the Paris Agreement was signed, allowing its signatories to set their own GHG-emission reduction targets. These are known as Nationally Determined Contributions (NDCs) (Michaelowa and Sacherer 2022). Article 9 of the Paris Agreement stipulates that advanced economies must provide financial support to underdeveloped countries in their climate mitigation and adaptation efforts. Despite the centrality of climate finance in the treaty, the Paris Agreement does not elaborate on its definition of the term, does not distinguish these resources from funds mobilized through Official Development Assistance (ODA), as will be discussed later, and allows the use of non-concessional financial instruments and private sources (Brazil 2015).

Despite this, the Paris Agreement recognized that the financial needs of underdeveloped countries would exceed the US$ 100 billion target set in 2009. In any case, by the time of its signing, advanced economies were already behind in fulfilling this commitment. As a result, the target date was postponed from 2020 to 2025 (Bergsvik et al. 2024). Although this fact is disputed, as will be explored later, some studies claim that industrialized nations only reached the expected financial volume for the first time in 2022 (OECD 2024). The years that followed were devoted to strengthening the Paris Agreement, expanding country participation, and refining NDCs. COP26, held in Glasgow in 2021, served to identify the discrepancy between the Copenhagen goal and the real demands of low- and middle-income countries. As such, the conference proposed a revision of the global climate finance target, initiating a new round of negotiations (Michaelowa and Sacherer 2022).

As pointed out by Roberts et al. (2021), setting a new climate finance target should realistically assess the demands of low- and middle-income economies. However, it would first be necessary to establish precise rules to define what can be considered part of this goal. In 2022, COP26 launched a technical investigation to support negotiators at COP29, held in Baku in 2024, in proposing a new climate finance target. The resulting amount, at US$ 300 billion by 2035, was widely considered insufficient and unsatisfactory (Beynon, Mathiasen and Mitchell 2024). The next section critically analyzes

the concept of "climate finance" and examines the new UNFCCC financial goal proposed at COP29.

After All, What Is Climate Finance?

Although "climate finance" is a central term in international climate policy, there is no consensus on its definition. The UNFCCC presents the concept as:

> local, national, or transnational financing—drawn from public, private and alternative sources of financing—that seeks to support mitigation or adaptation actions that will address climate change (UNFCCC 2023).

This definition, although commonly adopted, is quite narrow. Michaelowa and Sacherer (2022, 2) offer a more refined description, defining climate finance as "transboundary flows of finance triggered by public interventions with finance meaning a grant or concessional element of another financial instrument." Regardless of classification, it is understood that climate finance comprises a wide range of financial mechanisms that aim to support the transfer of funds for climate mitigation and adaptation,[4] generating fragmented forms of financing (Ciplet et al. 2022).

The absence of a clear definition creates ambiguity around which financial instruments and funding streams qualify as climate finance. There are also no formal accounting or transparency rules to quantify or assess these flows. This not only makes it difficult to measure how much climate finance has actually been mobilized but also hinders the establishment of a new financial target that accounts for the real needs of underdeveloped countries, the capacity of industrialized nations to mobilize resources, and the effectiveness of their investments (Bergsvik et al. 2024; Roberts et al. 2021; Weikmans and Roberts 2019).

The methodological gap that characterizes climate-finance architecture is not the result of technical incapacity or a lack of political will on the part of COP negotiators. Instead, the challenge of defining clear parameters stems from political differences between advanced and underdeveloped economies. Reaching consensus on financial practices considered climate-related has

4 Climate mitigation refers to efforts aimed at reducing global greenhouse-gas (GHG) emissions, decarbonizing production systems, and advancing the global energy transition. Climate adaptation focuses on strengthening the resilience of human socioeconomic systems to extreme climate events, particularly in underdeveloped and emerging economies (Michaelowa and Sacherer 2022).

proven to be a difficult task within the UNFCCC, leading to the adoption of different methods of mobilization, allocation, and accounting among developed countries. This complicates cross-national comparisons and undermines the measurement of global progress toward UNFCCC climate finance goals (Roberts and Weikmans 2017).

With the exception of the United States and the United Kingdom, developed countries frequently rely on a climate-finance methodology based on the Rio Markers, established by the OECD in 1998 to quantify bilateral Official Development Assistance (ODA) flows whose principal or significant objective is GHG-emissions reduction. In 2010, the Markers were revised to include adaptation-related projects. Although not originally designed to measure UNFCCC-related contributions, many high-income economies have adopted this methodology to report their climate finance flows to the Convention (Roberts and Weikmans 2017). The legitimacy of the Rio Markers is questioned, mainly due to the exclusionary nature of the OECD, which prevents underdeveloped countries from participating in the formulation and approval of accounting parameters for climate finance flows (Weikmans and Roberts 2019).

Despite this controversy, the Rio Markers remain strongly present within the global climate finance architecture. However, the methodology has several inherent weaknesses. First, it is flexible to the point of being highly malleable, allowing countries to modify it according to their own climate-policy interests (Roberts and Weikmans 2017). This not only complicates macro-level analysis of climate-finance flows but also undermines the establishment of financing priorities based on the real needs of underdeveloped and emerging economies (Tomlinson 2022).

Second, the Rio Markers do not differentiate between resources allocated to climate mitigation and adaptation (Michaelowa and Michaelowa 2011). This ambiguity prevents the identification of projects with overlapping themes, resulting in over-reported financial contributions by developed countries (Weikmans and Roberts 2019). This discrepancy also undermines equitable allocation across climate areas, as envisaged by the Paris Agreement (Hall 2017). This is due to the high profitability and commercial viability of investments aimed at climate mitigation. Adaptation, however, does not yield the same financial returns, deterring both public and private investors (Kenny 2024).

Third, the Rio Markers do not guarantee that their accounting of climate finance flows is "new and additional" in relation to ODA, as the methodology was originally designed to quantify resources for socioeconomic development projects (Weikmans and Roberts 2019). Even though they have overlapping

missions, climate finance and ODA must be approached separately (Browne 2022). The UNFCCC does not establish adequate criteria for such differentiation. As a result, the responsibility for deciding whether their contributions are truly additional or come from pre-existing budgets is transferred to high-income economies (Weikmans and Roberts 2019).

According to the principle of Common but Differentiated Responsibilities, this distinction is essential to ensure the historical accountability of developed countries. et in practice, most climate-finance contributions have come from the same ODA pools and are reported to the UNFCCC without proper differentiation (Michaelowa and Sacherer 2022; Tomlinson 2022). Keeping climate finance and ODA separate is justified by the fact that they do not share the same political purpose, even though there is often overlap. Climate finance is conceptualized as compensation for damages caused by the historical emissions of industrialized nations. It is, therefore, a sovereign right of underdeveloped countries. As a result, low- and middle-income economies are empowered to demand these resources with greater autonomy and decision-making power and to define how they will be allocated domestically (Browne 2022; Peterson and Skovgaard 2019).

Although the Rio Markers encourage the prioritization of concessional financial instruments, they do not differentiate between these mechanisms (Weikmans and Roberts 2019). According to the OECD (2024) and OXFAM (Bertram et al. 2023), non-concessional financial instruments remain predominant, making low- and middle-income economies even more vulnerable to external debt burdens and reducing their domestic investment capacity (Achampong 2022). Oxfam argues that non-concessional instruments should be fully excluded from climate-finance accounting, as they represent an additional cost to national budgets (Bertram et al. 2023). It is therefore a matter of ensuring climate justice based on each country's distinct capacities to respond to climate change (Tomlinson 2022).

In this sense, developed countries maintain a deliberate ambiguity regarding the recurrent use of non-concessional financial instruments. This allows them to leverage private-sector capital while avoiding domestic budgetary constraints imposed by bilateral and multilateral commitments. It should be noted that such practices do not violate UNFCCC or Paris Agreement principles, since complementary non-state action is encouraged

(Hall 2017). However, their predominance pushes underdeveloped countries into a "climate debt trap"[5] (Alayza, Laxton and Neunuebel 2023).

Given these limitations, it becomes evident that the OECD methodology does not adequately capture the complexity of the global climate-finance architecture. Even though it has been partially adopted by other groups and organizations such as the Climate Policy Initiative (CPI), some key differences between approaches influence the analytical outcomes. This makes it difficult to estimate international progress toward any climate finance target set by the UNFCCC or other institutions due to fundamental methodological differences (Shishlov and Censkowsky 2022). To illustrate, it should be noted that the CPI does not classify instruments such as guarantees or insurance as climate finance but includes mechanisms such as project equity and balance-sheet financing (CPI 2023b). Meanwhile, the OECD does not consider private-source finance unless channeled through public institutions (OECD 2022), whereas the CPI considers capital from corporations, private investors, commercial financial institutions, and even individuals (CPI 2023b).

One of the most important differences between the methodologies adopted by the OECD and the CPI concerns climate finance mobilized by underdeveloped countries themselves. The UNFCCC stipulates that only high-income economies are responsible for providing these resources. Accordingly, the OECD does not include the volume mobilized by underdeveloped and emerging countries, either domestically or bilaterally and multilaterally (OECD 2022). On the other hand, the CPI includes these efforts in its reports and points out that these nations accounted for 13% of all climate finance between 2019 and 2020, with South–South transnational flows at around 2% (CPI 2023b).

These differences, therefore, undermine public understanding and trust in the current state of global climate finance. The OECD states that the UNFCCC target was first achieved in 2022. In that year, the organization estimates that developed countries mobilized US$ 115.9 billion in climate finance. Of this amount, almost 80% came from public bilateral and multilateral sources. Since the OECD first began tracking these flows, such sources have consistently accounted for the bulk of climate finance contributions, rising from US$ 38 billion in 2013 to US$ 91.6 billion in 2022 (OECD 2024). In contrast, the

5 Climate change, along with other domestic and international crises, such as the COVID-19 pandemic, has constrained the budgetary capacity of underdeveloped countries and impaired their ability to service existing public debts (Alayza, Laxton and Neunuebel 2023). The pre-existing vulnerability of these countries to extreme climate events, combined with their financial insolvency, contributes to higher interest rates charged on borrowing (Zenios 2024; UNCTAD 2024). As a result, the recurrent use of non-concessional financial instruments increases the external debt burden of these economies, thereby reducing their ability to invest in domestic climate action (Bolton et al. 2022; Park and Samples 2024).

Climate Policy Initiative (CPI) estimates that global climate finance amounted to US$ 1.26 trillion in 2021–2022. Of this total, approximately US$ 640 billion came from public bilateral and multilateral sources, while—unlike the OECD—the CPI reports that US$ 625 billion were mobilized by the private sector (CPI 2023a).

Additional discrepancies have been highlighted by independent assessments conducted by Oxfam International. The non-governmental organization employs its own methodology, drawing on OECD-reported figures but discounting investments made through non-concessional instruments. The purpose of this adjustment is to estimate the actual amount invested, excluding interest charges that increase the debt burden of underdeveloped countries. Based on this approach, Oxfam estimates that total climate finance mobilized in 2021 was between US$ 19.8–24.8 billion, and between US$ 27.9–34.9 billion in 2022 (Bertram et al., 2024). These findings imply that developed countries did not meet the US$ 100-billion goal in 2022, contrary to the OECD's claims (OECD 2024).

Given these limitations, COP29—held in Baku from 11 to 22 December 2024—aimed to revisit the financial target established in Copenhagen. In preparation for the conference, UNFCCC representatives and the Azerbaijani presidency worked to formulate a new climate finance goal. The draft text initially proposed was discarded during the first week of the conference, forcing negotiators to restart deliberations. This generated frustration among Parties and contributed to delays (Thompson & Weikmans, 2025). Ultimately, developed countries proposed a new target only in the final two days of COP29, leaving insufficient time for thorough technical assessment. Therefore, some countries, India in particular, expressed disappointment with the limited ambition reflected in the commitments (Beynon, Mathiasen, and Mitchell 2024).

Although several countries pledged to triple their climate-finance contributions (Alayza and Larsen 2025), the new target replicates many of the shortcomings associated with the US$ 100-billion commitment. Nonetheless, four important changes emerged from the negotiations in Baku: i) all actors, including underdeveloped countries, multilateral development banks (MDBs), and the private sector, are now expected to mobilize a combined US$ 1.3 trillion annually by 2035; ii) advanced economies are expected to provide US$ 300 billion of this total over the same period, with funds coming from a variety of sources, ranging from public to private, bilateral to multilateral, and alternative sources iii) underdeveloped countries are expected to contribute

voluntarily; iv) MDB efforts now count toward the target (UNFCCC 2024; Thompson and Weikmans 2025).

In today's uncertain international landscape, securing consensus on a new climate-finance target is, in itself, a noteworthy achievement, and the importance of increasing the volume of available resources should not be underestimated (Thompson and Weikmans 2025). Still, several gaps that jeopardize global progress toward the goal remain. First, COP29 negotiations failed to address the methodological challenges of the global climate finance architecture previously identified. In this regard, the new target does not distinguish clearly between the expected mobilization of private and public funds, or between concessional and non-concessional financial mechanisms. Maintaining even current levels of concessional instruments, which are already low, will be challenging in itself. Moreover, dependence on bilateral financing, which has in fact doubled between 2013 and 2022, exacerbates these concerns. If bilateral contributions continue at this pace, they could reach US$ 80 billion by 2035, but this outcome depends heavily on political will and alignment with climate priorities. Combined with the risk of deepening climate-related indebtedness among underdeveloped countries, addressing these methodological issues is essential (Alayza and Larsen 2025; Thomson and Weikmans 2025).

Second, the new climate finance target does not include provisions requiring that resources be "new and additional." Thus, there remains the risk that developed countries will reduce their climate budgets and their international commitments in the humanitarian and global development fields (Beynon, Mathiasen, and Mitchell 2024; Thompson and Weikmans 2025). The resulting ambiguity allows states broad discretion in determining what may be counted toward the UNFCCC goal (Thompson and Weikmans 2025). According to *Reuters* reporting (Rumney et al. 2023), the absence of clear definitions has already led Japan, the United States, Belgium, and Italy to report investments to the framework convention intended, respectively, for a coal plant, a hotel, a film, and a chocolate shop.

Third, the recognition of underdeveloped countries' contributions to global climate finance represents a major shift within the UNFCCC. Since 1992, the Framework Convention has differentiated Parties based on historical responsibility for climate change. However, almost three decades later, its definitions of socioeconomic distinction have not been updated. As a result, major emitters such as China, Brazil, and India have no formal financial commitments. This issue has become increasingly prominent in COP negotiations and represents a significant point of contention among negotiating parties (Thompson and Weikmans 2025).

However, these nations, especially China, already mobilize significant amounts of climate finance through South–South cooperation projects. Therefore, proper accounting of such efforts could meaningfully contribute to meeting the Baku target (Thompson and Weikmans 2025). To this end, concrete expectations must be established, as any ambiguity ultimately discourages reporting of these resources to the UNFCCC. This is because the participation of low- and middle-income economies facilitates the mobilization of US$ 300 billion and consequently reduces the ambition of industrialized nations to fulfill their commitments.

The potential to overcome some of the challenges identified lies in the expanded role that COP29 has given to MDBs. All contributions from these banks will now be counted toward the US$ 300 billion target. This shift reflects both the significant shareholding influence that high-income economies exert over these institutions and the increasing integration of MDB activities with climate and development agendas. This means that a large portion of multilateral climate finance from developed countries flows directly or indirectly through MDBs (Thompson and Weikmans, 2025).

As explored earlier, methodological inconsistencies make it impossible to pinpoint exactly how much climate finance is already mobilized annually by MDBs (Vieira Rosa 2025). According to the CPI (2023a), these financial institutions contributed US$ 93 billion in climate finance between 2021 and 2022. According to the *Joint Report on Multilateral Development Banks' Climate Finance* initiative, organized by 10 influential MDBs,[6] the amount provided by these institutions is around US$ 100 million (ADB et al. 2023). For the OECD, in turn, the figure is close to US$ 47 billion (OECD 2024). Regardless of the exact amount, MDBs are key players in the global climate finance architecture, as they are equipped to extend a greater amount of concessional credit, offer technical assistance for public debt management, disseminate financial best practices in the international market, manage climate trust funds, and establish public–private partnerships (Vieira Rosa 2025).

Therefore, the decision taken at COP29 to count MDB contributions towards the UNFCCC target carries both positive and negative implications. These financial institutions have pledged to mobilize US$ 120 billion for underdeveloped countries by 2030, an extension expected to stem from increases

6 The ten banks participating in *the Joint Report on Multilateral Development Banks' Climate Finance* are: a) the African Development Bank; b) the Asian Development Bank; c) the Asian Infrastructure Investment Bank; d) the Council of the European Development Bank; e) the European Bank for Reconstruction and Development; f) the European Investment Bank; g) the Inter-American Development Bank Group; h) the Islamic Development Bank; i) the New Development Bank; and j) the World Bank Group.

in subscribed capital from contributing countries. Several MDBs, including the World Bank, are already planning similar internal reforms. However, considering the current geopolitical climate and the resulting variations in global political commitment to transnational financial assistance, particularly on the part of the United States, it is unlikely that these expectations will materialize within the proposed timeframe (Alayza and Larsen 2025).

Finally, significant weaknesses persist in MDBs' own climate finance methodologies. First, these institutions still favor non-concessional financial instruments. In 2022, 61% of the resources allocated to low- and middle-income economies were interest-bearing. Second, the figures reported by the banks are represented in absolute terms, with no breakdown of the information reported to analyze the individual efficiency of their investments, which would allow clear linkage to specific climate outcomes to be identified. Third, reported volumes refer to the amount approved in each fiscal year and not to the funds actually disbursed. This is important, as the amounts forecast for each operation may change over the life cycle of these organizations' activities (Vieira Rosa 2025).

Based on the analysis, it is possible to state that the UNFCCC's lack of definition of what constitutes climate finance and how it is possible to quantify these financial flows "[...] has led to widely contrasting reports on the total public climate finance that has been provided annually" (Roberts et al. 2021, 180). Efforts since COP26 to strengthen the climate-finance architecture, along with the new COP29 goal, have failed to address these gaps and have not advanced methodological standardization in the mobilization, allocation, or quantification of climate-finance flows (Roberts et al. 2021). With this in mind, the next section explores the opportunities and constraints facing Brazil's presidency at COP30 as it seeks to address persistent vulnerabilities in the global climate-finance architecture—and what the international community can expect from Belém.

Opportunities and Challenges for Brazil at COP30

COP30 will be a milestone for international climate policy, and the decisions taken at the conference will be essential for preventing the further escalation of the climate crisis over the coming decades. A decade after the launch of the Paris Agreement and five years before its closing deadline, nations meeting in Belém will present their most recent and updated NDCs. What signatory States put forward will be crucial for determining the patterns

of global climate finance flows in the decade ahead (Thompson and Weikmans 2025). Accordingly, while COP29 was described as the "climate-finance conference," COP30 under Brazil's presidency is expected to be a "conference of implementation" (Plataforma Cipó 2025). Brazil thus faces a complex challenge that requires diplomatic skill and simultaneously presents an opportunity for global leadership (Alghamdi, Alharethi, and Leal-Arcas 2025).

In light of the Paris Agreement's 2030 deadline, COP30's central mission will be to design effective strategies for mobilizing climate finance resources and accelerating global decarbonization (Alghamdi, Alharethi, and Leal-Arcas 2025). Negotiators arriving in Belém will begin their work already facing two significant challenges: the surpassing of the 1.5°C global surface-temperature threshold above pre-industrial levels in 2024, and the withdrawal of the United States from the Paris Agreement following Donald Trump's re-election. The international context in which COP30 takes place is fraught with uncertainty, placing international climate ambition at risk (Jacobi et al. 2025). As the event will be held in the Amazon, it is expected that the issues of discussions related to environmental conservation and deforestation are expected to feature prominently. Additionally, considering the severe flooding events that struck Rio Grande do Sul in May 2024, a stronger emphasis on adaptation finance for underdeveloped countries is also likely (Alghamdi, Alharethi, and Leal-Arcas 2025).

In preparation for COP30, the Brazilian presidency has already mobilized efforts to continue negotiations on the new climate finance target. Given the widespread dissatisfaction with the outcomes agreed upon in Azerbaijan and the negotiation tactics used by developed countries, parties launched the "Baku to Belém Plan," designed jointly with the COP29 presidency to formulate strategies for making the US$ 1.3 trillion target achievable. Although the plan is still under development, it is possible to say that one of its focuses will be to free up fiscal space to boost climate investments (Beynon, Mathiasen, and Mitchell 2024). This is in line with other initiatives led by Brazil during the third term of President Luiz Inácio Lula da Silva. As host of the G20 meeting in 2024, Brazil proposed the creation of the Global Mobilization Task Force on Climate Change (FT Clima), aiming to integrate—for the first time—the G20's Finance Track and Sherpa Track with the climate agenda. In practice, the task force seeks to bridge the gap between climate discussions under the UNFCCC and those held within the G20 involving finance ministries and central banks. The reaction from G20 members has been largely positive (Brazil 2024; Netto, Rizzo, and Ribeiro 2024).

Similarly, Brazil assumed the presidency of the BRICS in January 2025, with its annual summit scheduled for 6 June to 7 July. Under the theme "Strengthening South-South Cooperation for More Inclusive and Sustainable Governance," one of the presidency's priorities has been to enhance the global climate finance architecture in alignment with the UNFCCC (Netto, Rizzo, and Ribeiro 2024). During the BRICS High-Level Meeting on Climate Change and Sustainable Development, held in Brasilia on May 28, 2025, member States' vice-ministers endorsed a guiding document for climate finance within the group. The text compiles key initiatives related to reforming international financial institutions to better represent Global South interests, expanding concessional finance, and recognizing the essential role of private capital (Brazil 2025).

As explored by Netto, Rizzo, and Ribeiro (2025), Brazil faces both the opportunity and the challenge of aligning its recent diplomatic initiatives with the climate-finance agenda through the "Baku to Belém Plan." It is expected that Brazil's presidency will pursue strategies to expand concessional and grant-based finance, advocate for more rapid and effective MDB reforms, create country platforms to support public-policy development, and broaden access to alternative finance mechanisms—particularly blended finance and carbon-market instruments. Brazil may also propose an approach similar to the FT Clima, bringing financial representatives of UNFCCC Parties closer to COP decision-making and thereby pressuring G20 countries to meet their commitments in both multilateral forums.

As an international actor, Brazil has shown commitment to the climate finance agenda in its preparations for COP30. However, its domestic policy contradicts its diplomatic leadership in combating climate change. As the country prepares to host COP30, its Senate approves Bill No. 2159/2021, which weakens national environmental legislation by loosening environmental licensing procedures, increasing ecological degradation (Woortmann 2025). At the same time, the Ministry of Transport is discussing the paving of roads in the Amazon, which is estimated to increase deforestation in the region; the Ministry of Agriculture is approving the conversion of pasturelands into soybean plantations, posing significant risks to national biodiversity; and the Ministry of Mines and Energy is exploring offshore oil extraction near the mouth of the Amazon River, where the potential for environmental disaster is considerable (Fearnside and Leal Filho 2025). According to Woortmann (2025), these contradictions are of paramount importance, given that:

> Hosting COP30 in Belém is a historic opportunity for leadership, but leadership requires example and consistency. [...] Such contradictions will undermine all the necessary and desired agreements for COP30, alienate international partners, and weaken Brazil's diplomatic standing, in addition to irreparably damaging the federal government's image in the eyes of Brazilian public opinion, with direct implications for the 2026 elections.

Even in the face of these internal challenges, Brazil's COP30 presidency will be fundamental for advancing international climate policy. The results of the conference will depend heavily on multilateral cooperation, the financial ambition of the UNFCCC signatory countries, and the acceleration of global decarbonization. Alghamdi, Alharethi, and Leal-Arcas (2025) point to three possible scenarios for the conference: i) the strengthening of global climate action; ii) diplomatic failure; or iii) an an outcome that is satisfactory but insufficient to curb the intensification of the climate crisis. Based on the current global geopolitical configuration, the authors expect to see the third scenario in November 2025. In this context, Brazil's diplomatic skill and creativity will be essential to ensure the success of the event and the revitalization of the global commitment to the Paris Agreement in its final phase.

Final Considerations

Climate finance is a central term in international climate policy. Since the 1992 Rio de Janeiro Conference, the main negotiations on the subject have focused on mobilizing sufficient funds to ensure global decarbonization and resilience to extreme climate events, especially in underdeveloped and emerging economies. Despite its importance, the concept lacks concrete definitions and methodological parameters to identify the resources and financial instruments that qualify as climate finance and to determine how much the international community has truly mobilized. This has led to a fragmentation of the global climate finance architecture, with a wide range of actors distributing and accounting for resources without standardized practices. In this arrangement, the UNFCCC plays a key role, coordinating the commitments of its signatories in relation to their climate finance targets.

This article critically examined climate-finance flows, identifying limitations and methodological gaps that undermine progress toward UNFCCC goals. The study pointed out that different organizations use different methods to quantify these resources. Despite this difficulty in measurement, it is possible

to state that the volume mobilized since 2009 has been unsatisfactory and does not meet the proposed target of US$ 100 billion annually by 2025. COP29 offered the international community an opportunity to revisit foundational concepts of climate finance but ultimately fell short.

With this in mind, discussions on the new UNFCCC climate-finance target—and the harmonization of accounting practices—must continue at COP30 in Belém. Brazil's presidency is working to develop the "Baku to Belém Plan," which aims to address criticisms of COP29 decisions and outline financing strategies to help the global community reach the US$ 1.3 trillion annual target and the US$ 300-billion contribution expected from developed countries by 2035. Therefore, it is argued that Brazil should explore ways to leverage concessional financing and encourage the adoption of concrete and universal methodologies, replacing the Rio Markers due to their limitations, as explored earlier, and ensuring greater standardization of the volume of climate finance reported. Clarifying these issues will be essential for guiding international climate action as Paris Agreement Parties submit their revised NDCs.

In the months leading up to COP30, it is clear that many challenges and controversies already surround the event. Brazil will have to navigate the exceeding of the average surface-temperature threshold proposed by the IPCC, which reflects negatively on the world's ability to curb global warming and the overflowing of planetary boundaries. In addition, the conference in Belém will be the first since Donald Trump's re-election and the United States' second withdrawal from the Paris Agreement. This is significant, not only because the United States is one of the world's largest GHG emitters, but also because of the impact of the climate denialism promoted by the Republican administration on the COP negotiations. Domestically, the Brazilian presidency faces its own contradictions, having approved legislation and pursued projects with harmful environmental impacts.

COP30 is likely to be the most important of its kind since 2015, when the Paris Agreement was signed, and will determine global progress in addressing the climate crisis in the coming years. The conference offers a key opportunity to address the limitations of climate finance, as pointed out, in order to strengthen these financial flows and ensure their effectiveness. Future studies should analyze the decisions made in Belém and compare them to the arguments raised in this paper in order to assess the changes made to the coordination of the global climate finance architecture and Brazil's ability to coordinate one of the most important COPs since the 1992 Rio

de Janeiro Conference. Once again, the spotlight of the climate discussion turns toward Brazil.

References

Achampong, L. 2022. "How Lessons from Development Finance Can Strengthen Climate Finance." In *The Political Economy of Climate Finance: Lessons from International Development*, edited by C. Cash and L. A. Swatuk, 21–44. Springer International Publishing. https://link.springer.com/10.1007/978-3-031-12619-2_2. Accessed May 7, 2025.

Alayza, N., and G. Larsen. 2025. "How to Reach $300 Billion—and the Full $1.3 Trillion—Under the New Climate Finance Goal." *World Resources Institute*, February 20. https://www.sciencespo.fr/psia/chair-sustainable-development/2025/02/14/assessing-cop29-did-the-finance-cop-meet-its-lofty-goals/. Accessed June 9, 2025.

Alayza, N., V. Laxton, and C. Neunuebel. 2023. "Developing Countries Won't Beat the Climate Crisis Without Tackling Rising Debt." *World Resources Institute*, September 22. https://www.wri.org/insights/debt-climate-action-developing-countries. Accessed June 9, 2025.

Alghamdi, A., M. Alharethi, and R. Leal-Arcas. 2025. "COP30 in Brazil: A Critical Juncture for the Paris Agreement." *Queen Mary Law Research Paper* 10: 1–40. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5269063.

Bergsvik, R., A. Gupta, R. Weikmans, and I. Moller. 2024. "Is Transparency Furthering Clarity in Multilateral Climate Governance? The Case of Climate Finance." *International Environmental Agreements: Politics, Law and Economics* 24 (4): 565–88.

Bertram, Z., J. Kowalzing, L. Walsh, A. Hattle, C. Roy, and H. P. Dejgaard. 2023. *Climate Finance Shadow Report 2023: Assessing the Delivery of the $100 Billion Commitment*. Oxfam International. https://doi.org/10.21201/2023.621500. Accessed October 28, 2024.

Beynon, J., K. Mathiasen, and I. Mitchell. 2024. "The $300 Billion COP-Out: And Where We Go from Here." *Center for Global Development*, November 28. https://www.cgdev.org/blog/300-billion-cop-out-and-where-we-go-here. Accessed June 9, 2025.

Biermann, F., P. Pattberg, H. Van Asselt, and F. Zelli. 2009. "The Fragmentation of Global Governance Architectures: A Framework for Analysis." *Global Environmental Politics* 9 (4): 14–40.

Bigger, P., and W. Carton. 2020. "Finance and Climate Change." In *The Routledge Handbook of Financial Geography*, edited by J. Knox-Hayes and D. Wójcik, 646–666. Routledge. https://www.taylorfrancis.com/books/9781351119054/chapters/10.4324/9781351119061-34. Accessed May 7, 2025.

Bracking, S., and B. Leffel. 2021. "Climate Finance Governance: Fit for Purpose?" *WIREs Climate Change* 12 (4): e709.

Brazil. Ministério da Ciência, Tecnologia, Inovações e Comunicações. 2015. *Acordo de Paris*. https://www.gov.br/mcti/pt-br/acompanhe-o-mcti/sirene/publicacoes/acordo-de-paris-e-ndc/arquivos/pdf/acordo_paris.pdf. Accessed July 22, 2024.

Brazil. BRICS Brazil 2025. Boletim BRICS Brasil #30 – BRICS aprova primeira recomendação sobre financiamento climático rumo à COP30. https://brics.br/pt-br/noticias/boletim-brics-de-radio/39-brics-aprova-primeira-recomendacao-sobre-financiamento-climatico-rumo-a-cop30. Accessed June 11, 2025.

Brazil. 2024. *The G20 Taskforce on a Global Mobilization against Climate Change: G20's Enhanced Ambition Agenda—Pursuing Efforts to Keep 1.5 °C within Reach in the Context of the Paris Agreement (Outcome Document)*. https://www.gov.br/mma/pt-br/assuntos/noticias/resultados-da-forca-tarefa-para-mobilizacao-global-contra-a-mudanca-do-clima/tf-clima-outcome-document.pdf. Accessed June 10, 2025.

Browne, K. E. 2022. "Rethinking Governance in International Climate Finance: Structural Change and Alternative Approaches." *WIREs Climate Change* 13 (5): e795.

Ciplet, D., D. Falzon, I. Uri, S. Robinson, R. Weikmans, and J. T. Roberts. 2022. "The Unequal Geographies of Climate Finance: Climate Injustice and Dependency in the World System." *Political Geography* 99: 102769.

CIPÓ no ICL. 2025. "Brasil aposta em mutirão para driblar desafios financeiros." *Plataforma CIPÓ*, June 3. https://plataformacipo.org/cipo-na-midia/cop30-brasil-aposta-em-mutirao-para-driblar-desafios-financeiros/. Accessed June 10, 2025.

Climate Policy Initiative. 2023a. *Global Landscape of Climate Finance 2023*. https://www.climatepolicyinitiative.org/wp-content/uploads/2023/11/Global-Landscape-of-Climate-Finance-2023.pdf. Accessed August 28, 2024.

Climate Policy Initiative. 2023b. *Global Landscape of Climate Finance 2023: Methodology*. https://www.climatepolicyinitiative.org/wp-content/uploads/2023/11/GLCF-2023-Methodology.pdf. Accessed August 28, 2024.

Fearnside, P. M., and W. Leal Filho. 2025. "COP30: políticas brasileiras precisam mudar." *Amazônia Real*, March 27. https://philip.inpa.gov.br/publ_livres/2025/Fearnside_&_Leal_Filho-2025-COP_30-Políticas_brasileiras_precisam_mudar.pdf. Accessed June 10, 2025.

Hall, N. 2017. "What Is Adaptation to Climate Change? Epistemic Ambiguity in the Climate Finance System." *International Environmental Agreements: Politics, Law and Economics* 17 (1): 37–53.

Introduction to Climate Finance. 2023. UNFCCC. https://unfccc.int/topics/introduction-to-climate-finance. Accessed April 20, 2024.

Jacobi, P. R., J. S. Guivant, R. L. P. Teixeira, and M. Aversa. 2025. "COP30 em Belém/Pará: Mais uma COP?" *Ambiente & Sociedade* 28 (1). https://doi.org/10.1590/1809-4422asoceditorialPT2025L1ED.

Keohane, R. O., and D. G. Victor. 2010. *The Regime Complex for Climate Change*. Harvard Project on Climate Agreements.

Lee, H., and J. Romero, eds. 2023. *IPCC, 2023: Climate Change 2023: Synthesis Report*. Intergovernmental Panel on Climate Change. https://www.ipcc.ch/report/ar6/syr/. Accessed May 27, 2025.

Michaelowa, A., and K. Michaelowa. 2011. "Coding Error or Statistical Embellishment? The Political Economy of Reporting Climate." *World Development* 39 (11): 2010–2020. https://doi.org/10.1016/j.worlddev.2011.07.020. Accessed November 29, 2024.

Michaelowa, A., and A. Sacherer. 2022. "Introduction to the Handbook of International Climate Finance: Is Climate Finance a Meteoric Fashion or a Stable Pillar of the Global Response?" In *Handbook of International Climate Finance*, edited by A. Michaelowa and A. Sacherer, 1–15. Edward Elgar Publishing.

Netto, M., L. Rizzo, and J. Ribeiro. 2024. "O G20 brasileiro e a agenda de financiamento climático: possíveis legados para o BRICS+ e a COP30." *CEBRI* (Special Section) 12. https://cebri-revista.emnuvens.com.br/revista/article/view/239/349.

OECD. 2022. *Aggregate Trends of Climate Finance Provided and Mobilised by Developed Countries in 2013–2020.* https://www.oecd.org/en/publications/aggregate-trends-of-climate-finance-provided-and-mobilised-by-developed-countries-in-2013-2020_d28f963c-en.html. Accessed May 7, 2025.

OECD. 2024. *Climate Finance Provided and Mobilised by Developed Countries in 2013–2022.* https://doi.org/10.1787/19150727-en. Accessed November 28, 2024.

OECD. 2025. *Global Outlook on Financing for Sustainable Development 2025: From Addis Ababa to Seville.* https://www.oecd.org/en/publications/global-outlook-on-financing-for-sustainable-development-2025_753d5368-en.html. Accessed May 7, 2025.

Peterson, L., and J. Skovgaard. 2019. "Bureaucratic Politics and the Allocation of Climate Finance." *World Development* 117: 72–97.

Roberts, J. T., R. Weikmans, S. Robinson, D. Ciplet, M. Khan, and D. Falzon. 2021. "Rebooting a Failed Promise of Climate Finance." *Nature Climate Change* 11 (3): 180–82.

Roberts, J. T., and R. Weikmans. 2017. "Postface: Fragmentation, Failing Trust and Enduring Tensions over What Counts as Climate Finance." *International Environmental Agreements* 17 (1): 129–37.

Rumney, E., I. C. Sanchez, J. Dowdell, M. Nakayama, S. Murakami, and K. Takenaka. 2023. "Rich Nations Say They're Spending Billions to Fight Climate Change. Some Money Is Going to Strange Places." *Reuters*, June 1. https://www.reuters.com/investigates/special-report/climate-change-finance/. Accessed June 10, 2025.

Shishlov, I., and P. Censkowsky. 2022. "Same but Different? Understanding Divergent Definitions of and Views on Climate Finance." In *Handbook of International Climate Finance*, edited by A. Michaelowa and A. K. Sacherer, 16–39. Edward Elgar Publishing.

Skovgaard, J., K. M. Adams, K. Dupuy, A. Dzebo, M. Funder, A. M. Fejerskov, and Z. Shawoo. 2023. "Multilateral Climate Finance Coordination: Politics and Depoliticization in Practice." *Global Environmental Politics* 23 (2): 125–47.

Thompson, S., and R. Weikmans. 2025. "Assessing COP29: Did the "Finance COP" Meet Its Lofty Goals?" *SciencesPo*, February 14. https://www.sciencespo.fr/psia/chair-sustainable-development/2025/02/14/assessing-cop29-did-the-finance-cop-meet-its-lofty-goals/. Accessed June 8, 2025.

Tomlinson, B. 2022. "International Climate Finance and Development Effectiveness." In *The Political Economy of Climate Finance: Lessons from International Development*, edited by C. Cash and L. A. Swatuk, 45–74. Springer International Publishing. https://link.springer.com/10.1007/978-3-031-12619-2_3. Accessed May 7, 2025.

United Nations Framework Convention on Climate Change. 2024. *New Collective Quantified Goal on Climate Finance. Conference of the Parties Serving as the Meeting of the Parties to the Paris Agreement: Sixth Session* (Matters Relating to Finance). November 22. https://unfccc.int/sites/default/files/resource/cma2024_L22_adv.pdf. Accessed June 10, 2025.

Vieira Rosa, J. D. 2025. *O papel dos Bancos Multilaterais de Desenvolvimento no financiamento climático*. Master's diss., Universidade Federal do Rio Grande do Sul.

Viola, E., M. Franchini, and T. L. Ribeiro. 2012. "Climate Governance in an International System under Conservative Hegemony: The Role of Major Powers." *Revista Brasileira de Política Internacional* 55 (spe): 9–29.

Weikmans, R., and J. T. Roberts. 2019. "The International Climate Finance Accounting Muddle: Is There Hope on the Horizon?" *Climate and Development* 11 (2): 97–111.

Woortmann, M. 2025. "Destruição do licenciamento ambiental ameaça liderança climática mundial do Brasil." *Le Monde Diplomatique Brasil*, May 20. https://diplomatique.org.br/destruicao-do-licenciamento-ambiental-ameaca-lideranca-climatica-mundial-do-brasil/. Accessed June 10, 2025.

MIGRANT AND REFUGEE WOMEN IN BRAZIL: MENTAL HEALTH, PUBLIC POLICIES, AND GENDER-SENSITIVE RECEPTION

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Abstract

This article analyzes, from an intersectional and interdisciplinary perspective, the challenges faced by migrant and refugee women in Brazil, focusing on their mental health, institutional reception, and access to support networks. Based on international and national regulatory frameworks, the study highlights the inadequacy of Brazilian public policies in responding to the specific vulnerabilities of this group, particularly in municipalities with limited institutional capacity. Empirical research was conducted through an online questionnaire, administered in three languages and aimed at listening to the subjective experiences of migrant and refugee women residing in the country.

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The findings reveal significant psychological impacts, barriers to accessing specialized services, and a scarcity of gender-sensitive support networks. The article proposes that reception and mental health be understood as central dimensions of public policies aimed at the full integration of these women, recognizing their trajectories, experiences, and potential. The approach used articulates the fields of International Relations and Psychology, contributing to the construction of humanized and culturally sensitive strategies.

Keywords: Migrant women; Refuge; Mental health; Humanized reception; Public policies; Intersectionality; Gender and migration; International Relations; Social psychology.

MULHERES MIGRANTES E REFUGIADAS NO BRASIL: SAÚDE MENTAL, POLÍTICAS PÚBLICAS E ACOLHIMENTO COM PERSPECTIVA DE GÊNERO

Resumo

Este artigo analisa, sob uma perspectiva interseccional e interdisciplinar, os desafios enfrentados por mulheres migrantes e refugiadas no Brasil, com foco em sua saúde mental, acolhimento institucional e acesso a redes de apoio. Com base em marcos normativos internacionais e nacionais, o estudo destaca a insuficiência das políticas públicas brasileiras em responder às vulnerabilidades específicas desse grupo, especialmente em municípios com menor capacidade institucional. A pesquisa empírica foi realizada por meio de um questionário online, aplicado em três idiomas e voltado à escuta subjetiva de migrantes e refugiadas residentes no país. Os resultados revelam impactos psicológicos relevantes, barreiras no acesso a serviços especializados e a escassez de redes de apoio sensíveis ao gênero. O artigo propõe que o acolhimento e a saúde mental sejam entendidos como dimensões centrais de políticas públicas voltadas à integração plena dessas mulheres, reconhecendo suas trajetórias, experiências e potenciais. A abordagem utilizada articula os campos das Relações Internacionais e da Psicologia, contribuindo para a construção de estratégias humanizadas e culturalmente sensíveis.

Palavras-chave: Mulheres migrantes. Refúgio. Saúde mental. Acolhimento humanizado. Políticas Públicas. Interseccionalidade. Gênero e migração. Relações Internacionais. Psicologia social.

MUJERES MIGRANTES Y REFUGIADAS EN BRASIL: SALUD MENTAL, POLÍTICAS PÚBLICAS Y ACOGIDA CON PERSPECTIVA DE GÉNERO

Resumen

Este artículo analiza, bajo una perspectiva interseccional e interdisciplinaria, los desafíos que enfrentan las mujeres migrantes y refugiadas en Brasil, con foco en su salud mental, acogida institucional y acceso a redes de apoyo. Basado en marcos normativos internacionales y nacionales, el estudio destaca la insuficiencia de las políticas públicas brasileñas para responder a las vulnerabilidades específicas de este grupo, especialmente en municipios con menor capacidad institucional. La investigación empírica se realizó a través de un cuestionario en línea, aplicado en tres idiomas y dirigido a la escucha subjetiva de migrantes y refugiadas residentes en el país. Los resultados revelan impactos psicológicos relevantes, barreras en el acceso a servicios especializados y la escasez de redes de apoyo sensibles al género. El artículo propone que la acogida y la salud mental se entiendan como dimensiones centrales de las políticas públicas orientadas a la **integración plena** de estas mujeres, reconociendo sus trayectorias, experiencias y potenciales. El enfoque utilizado articula los campos de las Relaciones Internacionales y la Psicología, contribuyendo a la construcción de estrategias humanizadas y culturalmente sensibles.

Palabras clave: Mujeres migrantes. Refugio. Salud mental. Acogida humanizada. Políticas Públicas. Interseccionalidad. Género y migración. Relaciones Internacionales. Psicología social.

1. Introduction

Over recent decades, international migration flows have intensified as a result of humanitarian crises, climate change, armed conflicts, and economic inequalities. In Latin America, the growing forced migration from countries such as Venezuela, Haiti, the Democratic Republic of Congo, and Syria underscores the need for solid, welcoming, and sustainable public policies to guarantee the basic rights of people on the move. Brazil, although historically recognized for its discourse of hospitality, faces significant challenges in transforming this symbolic openness into effective practices, particularly in small and medium-sized territories.

At the center of this discussion is the condition of migrant and refugee women, who experience displacement in a unique way, marked by structural inequalities, cultural barriers, and intersectional vulnerabilities. Many arrive alone or with children, seeking protection and better living conditions, but encounter contexts of precariousness, xenophobia, and institutional invisibility.

This study adopts a national scope and was conducted online, allowing for the collection of data from migrant and refugee women in different regions of Brazil. Nevertheless, the choice of Assis Chateaubriand (Paraná) as a focal city for the study is justified by its growing reception of migrants and by the empirical observation of the difficulties faced by this population in local contexts with limited public infrastructure. The study, therefore, seeks to contribute to the development of diagnostic tools and proposals that may be replicated or adapted to different municipal and regional realities.

Given this scenario, this article aims to analyze, from the perspective of International Relations, the challenges faced by migrant and refugee women in accessing rights in Brazil, with emphasis on the role of local governance, international cooperation, and institutionalized as well as informal support networks. The study seeks to understand how global normative frameworks, such as the Global Compact for Safe, Orderly, and Regular Migration (UN 2018), and national frameworks, such as the New Migration Law (Law No. 13,445/2017) (Brazil 2017), are translated (or not) into effective policies on the ground—and which gaps still remain in promoting a humane, equitable, and gender-sensitive reception.

The relevance of the topic is aligned with the UN 2030 Agenda, particularly Sustainable Development Goal 5 (Gender Equality) and SDG 10 (Reduced Inequalities) (UN 2015), both of which point to the need to build inclusive

cities, with respect for cultural diversity and guaranteed rights for all, regardless of origin, gender, or migration status.

2. Theoretical Framework

2.1. International and National Legal Frameworks on Migration, Refuge, and Gender

The governance of internatnal migration is guided by a set of legal and regulatory instruments aimed at safeguarding the fundamental rights of people on the move. However, the specific protection of migrant and refugee women remains marked by significant gaps—both at the international level and in national implementation. This scenario highlights the need to examine existing regulatory frameworks through an intersectional lens that considers gender as a structuring element of the migration experience.

2.1.1. International Instruments

The main international regulatory framework on refugee status is the 1951 Convention Relating to the Status of Refugees (UN 1951), together with its 1967 Protocol (UN 1967), which define refugee status the rights associated with it. Although the Convention does not explicitly address gender, more recent interpretations recognize that gender-based persecution—such as sexual violence, female genital mutilation, forced marriage, or persecution based on sexual orientation—may constitute legitimate grounds for asylum.

Since the 1990s, international organizations have begun to incorporate the gender dimension more clearly into migration issues. The Beijing Platform for Action (1995) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979) provided relevant guidelines for the protection of migrant women, emphasizing the importance of gender-sensitive migration policies. General Recommendation No. 26 of the CEDAW Committee (2008) is particularly important, as it states that migrant women face multiple forms of discrimination based on gender, race, class, and migratory status.

More recently, the Global Compact for Safe, Orderly, and Regular Migration (UN 2018), approved by the UN General Assembly, incorporated a clear commitment by states to develop gender-responsive and human-rights-based migration policies. The Compact acknowledges the need to empower migrant women and girls, ensuring their autonomy and equal access to services, education, legal protection, and decent work opportunities.

In the refuge sphere, the Global Compact on Refugees (UN 2018) complements this approach by encouraging humanitarian responses focused on social and economic inclusion, based on coordinated action between states, civil society, and international organizations.

2.1.2. Brazilian National Framework

Brazil has made progress in the regulatory sphere by replacing the Foreigners' Statute, Law No. 6,815/1980 (Brazil 1980), which had a security bias, with the New Migration Law, Law No. 13,445/2017 (Brazil 2017), which enshrines an approach based on human rights, equal treatment, and non-discrimination. The law explicitly recognizes the rights of migrants regardless of their nationality or documentation status and guarantees access to essential public services such as health care, education, and social assistance.

However, despite the progressive nature of the legislation, its implementation remains uneven and marked by operational challenges, particularly in small and medium-sized municipalities, where institutional capacity for reception is limited. In addition, although a gender perspective is provided for in a cross-cutting manner, the law lacks specific mechanisms to ensure the comprehensive protection of migrant and refugee women, especially in situations of violence, labor exploitation, and social exclusion.

Law No. 9,474/1997 (Brazil 1997), which regulates asylum in Brazil, also does not include a gender perspective in its original text. However, the National Committee for Refugees (CONARE) has adopted broader interpretations, recognizing gender-based violence as legitimate grounds for asylum requests, particularly after 2017. Brazil also adopted the National Policy for Comprehensive Health Care for International Migrants (Brazil 2018), but its implementation faces linguistic, cultural, and logistical barriers.

It is worth highlighting the role of civil society and international organizations as key actors in the implementation of gender-sensitive reception policies. Partnerships with organizations such as UNHCR, IOM, UN Women, and local networks have been fundamental in filling the gaps left by the state, offering psychosocial care, professional training, and humane reception.

Despite these advances, Brazil still lacks a robust and integrated national public policy that addresses migration, gender, and social protection. Isolated local initiatives and fragmented reception practices are insufficient to deal with the complex realities experienced by migrant and refugee women in the country.

3. The Migration Experience from a Gender Perspective: Inequalities and Vulnerabilities

The phenomenon of migration, although shared by diverse populations around the world, takes on profoundly different contours when analyzed through a gender lens. Migrant and refugee women face specific challenges that result from the intersection of their gender, nationality, ethnicity, social class, and migratory status—constituting a multilayered vulnerability that manifests across multiple spheres of daily life, from displacement itself to the process of integration in host countries.

3.1. Migration and Gender: An Intersectional Analysis

Historically, women's migration has been underrepresented in traditional analyses within International Relations and the Social Sciences, often treated as a secondary dimension of family-based displacement. However, with the advancement of intersectional and feminist perspectives, it has come to be recognized that the presence of women in migratory flows is significant and increasingly autonomous. According to data from the International Organization for Migration (IOM), women represented about 48% of the international migrant population in 2020 (IOM 2020), indicating near-parity in global displacement patterns.

However, the experiences of migrant women cannot be equated with those of their male counterparts. Gender conditions the types of occupations accessible to them, the degree of exploitation they may experience, their likelihood of accessing rights, and and their exposure to various forms of violence. Studies such as those by Piper (2005) and Mahler and Pessar (2006) show that women are more exposed to precarious working conditions, especially in care work and domestic work—sections that are often invisible, undervalued, and poorly remunerated.

Gender-based violence is also more prevalent throughout migratory journeys, including harassment, rape, sexual exploitation, and human trafficking. Such violence often goes underreported due to fear of deportation, lack of information about rights, or absence of support networks. The IOM highlights that migrant and refugee women are more vulnerable to gender-based violence than non-migrant women, particularly when they lack regular documentation or experience social isolation.

3.2. Migrant Women in Brazil: Challenges in Reception and Integration

In the Brazilian context, migrant and refugee women face a reception process permeated by structural and institutional challenges. Data from the report *Sociodemographic Profile of Immigrant Women in Brazil* (Ipea 2021) indicate that migrant women tend to have high levels of education but face significant barriers to the recognition of diplomas and access to jobs commensurate with their qualifications. In addition, there is a strong presence of Black and Indigenous women from countries such as Haiti, Venezuela, Colombia, and Angola, who encounter multiple forms of discrimination in Brazil, including within public-service systems.

These difficulties are exacerbated in small and medium-sized municipalities, where institutional apparatus is more limited. Although Migration Law 13.445/2017 (Brazil 2017) provides for equal access to public services, in practice there is a notable lack of policies tailored to the specific realities of these women. Linguistic, cultural, and bureaucratic barriers compromise access to health care, education, and the justice system, directly affecting their ability to secure dignified integration into their host communities.

A particularly critical gap emerges in the area of mental-health support. Women who have experienced trauma in their countries of origin or during displacement often do not find adequate psychosocial support upon arriving in Brazil. The absence of public mental-health policies for migrants, coupled with the lack of professionals trained to deal with intersectional dimensions of gender and migration, contributes to the worsening of anxiety, depression, and post-traumatic stress disorder.

3.3. Institutional Invisibility and the Need for Gender-Sensitive Policies

Despite the growing presence of women in international migration flows, Brazilian public policies still lack up-to-date diagnoses and gender-disaggregated data capable of informing more effective actions. Migrant women often remain invisible in assistance programs, which tend to focus on general demands and overlook the specific impacts of migration on their trajectories.

The development of public policies with an intersectional approach is urgent. This implies not only recognizing gender as a structuring factor of inequality, but also fostering coordination across different spheres of government and sectors of civil society to build integrated mechanisms for reception, protection, and integration. Initiatives such as those developed by Rede Cami (São Paulo) and the Jesuit Service for Migrants and Refugees

(SJMR) offer meaningful models, but they remain isolated efforts relative to the scale of existing needs.

The work of Brazilian diplomacy and multilateral organizations must also incorporate the gender agenda more vigorously in discussions on international mobility. The field of International Relations holds a strategic relevance in shaping a more just, inclusive, and human-rights-centered migration governance system—and this will only be possible when women's perspectives occupy a central place in analyses and policy design.

4. Migration, Refuge, and Mental Health: Interdisciplinary Contributions to Dignified Reception

The integration of migrant and refugee women involves not only legal guarantees and inclusive public policies but also the recognition of the human and subjective dimensions inherent in migration processes. Mental health, in this context, emerges as a central, yet often neglected, dimension in the international debates on reception and protection of forcibly displaced populations. In particular, migration marked by trauma—stemming from armed conflict, environmental disasters, political persecution, racism, and gender-based violence—requires more sensitive and interdisciplinary approaches.

4.1. The Centrality of Mental Health in Contemporary Migration Debates

In recent years, international organizations have increasingly recognized the importance of psychological well-being as part of the human-rights commitments owed to people in migration contexts. The World Health Organization (WHO) notes that migrants and refugees face higher risks of mental-health disorders, including depression, anxiety, and post-traumatic stress, with these risks exacerbated by precarious reception conditions and the absence of support networks (WHO 2020).

Within the field of International Relations, this recognition aligns with the expanded notion of human security, promoted by the United Nations Development Program (UNDP). This framework moves beyond traditional state-centered security to include dimensions such as health, dignity, identity, and freedom. Thus, designing effective migration policies also requires promoting subjective conditions that allow individuals to flourish in their host societies.

Despite this conceptual progress, few international strategies directly connect mental-health care to migrant protection. The Global Compact

for Safe, Orderly and Regular Migration, signed in 2018 by 152 countries, mentions the need for inclusive and culturally sensitive health care, but does not detail mechanisms for psychosocial care. This reveals a gap between discourse and the operationalization in the protection of migrants' rights at the international level.

4.2. The Brazilian Case and the Institutional Invisibility of Migrants' Mental Health

In Brazil, health is recognized as a universal right—including for migrants regardless of documentation status—according to the 1988 Federal Constitution and the 2017 Migration Law (Brazil 2017). However, practice reveals a mismatch between what is formally guaranteed and what is actually accessible. Language barriers, the absence of interpreters and cultural mediators in public facilities, the lack of training among health-care professionals to address migrant needs, and institutional prejudice all severely limit access to quality services, especially in the area of mental health.

According to the *Cartilha sobre Saúde Mental e Migração* [Mental Health and Migration Handbook], published by SJMR in partnership with the Pan American Health Organization (PAHO) (PAHO/SJMR 2020), many migrants report feelings of disorientation, insecurity, and isolation upon arriving in Brazil, particularly in smaller cities where there is little or no institutional preparation. This reinforces the importance of public policies that consider the cultural, emotional, and social specificities of the migratory experience, especially for women.

The intersection of gender, migration, and mental health is particularly relevant: migrant and refugee women often arrive with emotional burdens aggravated by systematic violence, family responsibilities, and separation from their support networks. The absence of safe spaces for listening, reception, and rebuilding self-esteem can lead to serious psychological distress—even affecting these women's social and economic integration.

4.3. Why Care for the Mental Health of Migrant Women?

The phenomenon of migration has intensified in recent decades, driven by various factors such as environmental disasters, economic crises, armed conflicts, and the pursuit of better living conditions. In this scenario, women represent a significant portion of the migrant population, experiencing displacement processes marked by social factors such as gender, race, class, and nationality. Addressing their mental health is therefore a matter of social

relevance, requiring the strengthening of public policies and health-service practices, regardless of the reasons that motivated their migration.

As Sawaia (1999) points out, it is essential to consider the ethical and political suffering resulting from concrete living conditions marked by injustice, invisibility, and the devaluation of certain lives. The migration process, by triggering affective, cultural, and social ruptures, can profoundly affect women's mental health. In addition, difficulties in integrating into the host country, often involving social exclusion, prejudice, economic instability, and the loss of support networks, reinforce this psychological vulnerability.

In order for them to process their experiences, whether positive or traumatic, autonomously, it is essential to consider their subjective agency in responding to events. Psychological support thus becomes an urgent necessity. As Ferreira et al. (2021) highlight, migration removes individuals from their original cultural context, which can compromise the balance between their external reality and their inner world.

From a social perspective, caring for the mental health of migrant women involves addressing structural inequalities and ensuring access to basic rights that uphold their dignity and well-being. Reflecting on public-reception policies and the challenges women face in building a healthy everyday life is therefore indispensable. Such care must prioritize not only assistance but also the creation of spaces for qualified listening, recognition, and civic participation.

In this light, mental health is not merely the absence of disorders; it refers to a state of well-being that depends on access to rights, strong social bonds, a sense of belonging, and subjective validation. As Rachédi and Legault (2019) note, culture consists of a set of meanings shared by a group, which objectively and symbolically influences the way its members think, feel, and act. Thus, discussing the mental health of migrant women also means discussing how the state and society deal with cultural diversity, acceptance, and social justice.

4.3.1. Psychological Distress and the Grieving Process in the Migration Experience

Migration, especially when forced or marked by vulnerability, involves not only physical displacement between territories, but also also symbolic, affective, cultural, and social ruptures. For migrant women, these losses are linked to social markers such as gender, race, class, and migratory status. According to Faustino and Rodrigues (2016), this can accentuate psychological distress and hinder access to care and support.

This psychological suffering is far from being merely an individual or pathological phenomenon; it should be understood from a social perspective as a subjective reaction to objective living conditions marked by exclusion, within a context of loss of rights and the struggle to belong in a new environment. In this sense, migration can be interpreted as a form of multiple grief, as described by Achotegui (2009), in which the subject simultaneously loses their country, language, relationships, status, cultural values, and sense of belonging. This grief is often invisible, prolonged, and socially unrecognized, making it more difficult to process and potentially leading to intense mental suffering such as anxiety, depression, and feelings of emptiness.

Migratory grief, often experienced in silence, may intensify in the absence of institutional reception, support networks, or opportunities for symbolic expression of pain. For many migrant women, daily life in their host countries is marked by emotional overload, economic instability, social isolation, and demands for cultural adaptation, as they encounter new realities. When qualified listening spaces and public mental-health services are lacking, these factors can generate chronic psychological distress. As Cossa (2020) points out, there is a "dark side" of migration, marked by significant losses that can place immigrants or refugees in a painful situation, capable of triggering clinically significant symptoms that require specialized support.

Recognizing grief and psychological distress among migrant and refugee women as socially produced phenomena is therefore essential for designing effective public-reception policies. From a social perspective on mental health, caring for these women involves creating conditions for rebuilding bonds, recognizing their losses, and fostering a new sense of subjective and social belonging, considering the complexity of factors contributing to a challenging migratory mourning process. Cossa (2020) highlights that it is crucial to implement interventions tailored to the specific contexts experienced by migrant women, promoting the necessary transformations to cope with suffering. From this perspective, the dialogue between diverse approaches enables the construction of diversified intervention and reception strategies that are more sensitive to the specificities of the subjects involved.

5. Methodology

The importance of listening to subjective experiences forms the core justification for this study, which seeks to understand the emotional challenges faced by migrant and refugee women in Brazil, with a focus on their subjective

perceptions of reception and access to psychosocial support networks. Unlike approaches that treat migrants merely as numbers or beneficiaries of services, this study emphasizes actively listening to the experiences and lives of these women, understanding that only then will it be possible to design public policies that are more just, humane, and effective.

The choice of an online and multilingual format (Portuguese, Spanish, and English) for the research was intended to broaden its geographic and cultural reach. Although not restricted to a single municipality, the empirical base of the study is centered in Assis Chateaubriand (Paraná)—a city experiencing growing arrivals of migrant women, particularly from Latin American and African countries, and characterized by limited gender- and migration-sensitive public policies.

The joint effort between International Relations and Psychology reflected in this article stems from the understanding that institutional responses to migration must be multidimensional, cross-sectoral, and interdisciplinary, incorporating diverse knowledge and committed to human dignity. Mental health, in this sense, is not only a need but a right—and should be treated as such at all levels of public action and international cooperation.

5.1. Data Analysis

The research was conducted through an online questionnaire, available in Portuguese, Spanish, and English, aiming to broaden its reach and accessibility to migrant and refugee women of different backgrounds. A total of twenty responses were collected between March and May 2025. The purpose of the instrument was to understand the experiences of reception, psychological health, and access to support networks by migrant and refugee women in Brazil.

Despite careful linguistic preparation in the three languages, the application revealed significant challenges in communication with Haitian women, whose predominant languages, French and Haitian Creole, were not included in the initial questionnaire. This limitation highlights the importance of recognizing linguistic plurality in research tools and in the design of public policies.

Another relevant aspect observed during data collection concerned the participants' hesitation to interact with Brazilian researchers. There was frequent hesitation due to the fear of providing incorrect information that could lead to migratory consequences, such as deportation. In some cases, there was resistance from the participants' male partners, who expressed concerns about exposing the women to strangers—an indication of the weight of power and gender dynamics in migratory contexts. There was also

a certain lack of understanding about the relevance of academic research and mental health in participants' life trajectories, signaling informational and educational gaps in this field.

The main results of the study are presented below, organized into four analytical axes, based on the questions in the questionnaire.

5.1.1. General Profile of Participants

Participants ranged in age from 27 to 65 years, originating primarily from Latin America (Colombia, Cuba, Venezuela) and the Caribbean (Haiti). The length of their stay in Brazil varied widely, from a few months to more than a decade, with different degrees of cultural adaptation and social integration. Some women migrated accompanied by family members, while others migrated alone, with the latter group displaying greater emotional and social vulnerability.

6. Results

The data-collection instrument used in this study consisted of a structured questionnaire, developed through the Google Forms platform. The questionnaire consisted of five distinct sections. The first part covered sociodemographic questions, including age, nationality, length of stay in Brazil, and whether the migratory process occurred individually or with companions.

The second section addressed issues related to the migratory and refugee experience, such as motivations for migration, main challenges faced, and participants' perceptions of the reception received in the host country.

The third section dealt with aspects related to mental health and psychological well-being, asking participants about the perceived impacts of migration on their mental health, their access to mental-health services, and the identification of specific moments of emotional distress since arriving in Brazil.

The fourth section sought to understand access to services and support networks through questions about prior knowledge of where to seek psychological help, whether they had already received care from non-governmental or institutional organizations, and what barriers they faced in accessing such services.

Finally, the fifth section consisted of open-ended questions aimed at collecting suggestions from participants on how to improve psychological support for migrant women in Brazil. They were invited to describe the types

of support they wished they had received, how mental-health care could be improved, and what advice they would offer to other women arriving in the country.

6.1. Data Analysis from Participants' Responses

6.1.1. Motivations and Challenges of Migration

The main motivations identified were the search for job opportunities, improvement in quality of life, and escape from contexts of political or economic instability. Entering the labor market ensures migrants' material subsistence and contributes to their emotional stability. In addition, it promotes social integration and enables the pursuit of personal and family projects. This participation reinforces the feeling of belonging and alignment with social expectations (Silva and Queiroz 2006 quoted in Lima et al. 2020).

Among the challenges faced upon arrival in Brazil are language, access to employment, cultural adaptation, and structural racism. Indeed, the lack of qualifications required by the market, linguistic barriers, and prejudice exacerbate the difficulties encountered by foreigners (Silva 2016, 207–228 quoted in Lima et al. 2020). These barriers, in many cases, were aggravated by the absence of a structured institutional support network.

6.1.2. Psychological Impacts and Access to Services

More than half of the participants reported significant impacts on their mental health, such as feelings of loneliness, anxiety, and helplessness. Even so, most did not have access to specialized psychological health services. Reasons cited for not seeking or continuing care included lack of knowledge about where to seek care, language barriers, lack of professionals trained to deal with migration issues, and fears related to personal exposure. Although access to Brazil's Unified Health System (SUS) is guaranteed to all, Lima et al. (2020) note that, regardless of their employment status, immigrants often face difficulties due to language barriers and the lack of preparation of health services to adequately serve this population.

6.1.3. Support Networks and Suggestions

When asked about support networks, many participants stated that they had not received emotional support from organizations or individuals. Some indicated support from churches, social movements, or temporary shelters. Rosa et al. (2023) point out that the effectiveness of support networks is

evident in responses that indicate a considerable decrease in symptoms such as depression and feelings of helplessness.

Suggestions for improving psychological support included the creation of specific public policies, increased access to bilingual psychologists, mental health awareness campaigns, and greater institutional support.

7. Conclusion

This study sought to understand, from an intersectional perspective, the challenges faced by migrant and refugee women in Brazil, focusing on mental health, support, and access to support networks. Based on an analysis that combines the fields of International Relations (IR) and Psychology, it was evident that women's migration processes are deeply marked by multiple vulnerabilities and intersectionalities—gender, nationality, race, socioeconomic status, and migratory status.

Empirical research conducted with women of different nationalities residing in Brazil revealed patterns that reinforce theoretical findings and point to persistent gaps in public policies and psychosocial care services. It was observed that institutional reception remains insufficient and often disconnected from the real needs of migrants, especially with regard to mental health, a topic often neglected in debates on integration and refuge.

In addition to linguistic and cultural barriers, fear of being misunderstood by authorities, lack of information about their rights, and fear of reprisals from family members or institutions are factors that hinder these women's participation in studies and use of support services. The reasons identified may be related to barriers to access and the difficulty of establishing a bond with the services offered by Primary Health Care centers (Cavalcante Neto and Oliveira 2022). These aspects, reported during data collection, demonstrate that reception cannot be thought of only as physical access to services, but as a continuous building of trust, belonging, and respect for these women's dignity.

It can therefore be concluded that the full integration of migrant and refugee women requires public policies that consider their specificities in an intersectoral and culturally sensitive manner. The promotion of mental health in this context should not be understood only as clinical care, but as part of a broader reception policy, articulated across local, national, and international levels. It is hoped that the results presented here may contribute to the strengthening of public and community strategies aimed at protecting,

listening to, and empowering these women, recognizing their trajectories and potentials within a truly humanized reception process, given that Brazil is currently a major center of migrant reception in Latin America.

One of the main challenges encountered during this research was the low participation of migrant and refugee women in completing the questionnaire. These limitations are due, in part, to barriers related to their condition, such as difficulties in social interaction and possible prejudice regarding their nationality, as well as language barriers. Although this limitation restricted the scope of the study, it reinforces the importance of developing future strategies to encourage greater engagement of migrant and refugee women in social interventions, strengthen support networks, and promote collaborative work with families and mental-health professionals.

Thus, the limitations identified here should not only restrict some of the analyses, but also that they may be used as a theoretical and methodological basis for the development of future social and reception practices.

References

Achotegui, Joseba. 2009. "Migração e saúde mental: a síndrome do imigrante com estresse crônico e múltiplo (síndrome de Ulisses)." *Revista Interdisciplinar da Mobilidade Humana* 17 (33): 29–54.

ACNUR – Alto Comissariado das Nações Unidas para Refugiados. 2018. *Pacto Global sobre Refugiados*.

Brasil. 1988. *Constituição da República Federativa do Brasil de 1988. Diário Oficial da União*, Seção 1, October 5.

Brasil. 1980. *Lei nº 6.815, de 19 de agosto de 1980: Define a situação jurídica do estrangeiro no Brasil. Diário Oficial da União*, Seção 1, August 20.

Brasil. 1997. *Lei nº 9.474, de 22 de julho de 1997: Define mecanismos para a implementação do Estatuto dos Refugiados. Diário Oficial da União*, Seção 1, July 23.

Brasil. 2017. *Lei nº 13.445, de 24 de maio de 2017: Institui a Lei de Migração. Diário Oficial da União*, Seção 1, May 25.

Cavalcante Neto, Antônio Soares, and Maria Aparecida Claudino de Oliveira Cortez Oliveira. 2022. "Health of Venezuelan Immigrants: Scoping Review." *Ciência, Cuidado e Saúde* 20. https://periodicos.uem.br/ojs/index.php/CiencCuidSaude/article/view/56000. Accessed June 8, 2025.

Cossa, Euclides Roberto Carlos. 2020. "Luto migratório em pessoas refugiadas: entre a saúde mental e a intervenção psicossocial." *Revista Revise, Psicologia e Educação* 6 (Fluxo Contínuo): 275–302

Faustino, J. A., and J. S. Rodrigues. 2016. "Saúde mental e migrações: sofrimento e cuidado em contextos de vulnerabilidade social." *Estudos de Psicologia (Campinas)* 33 (4): 667–76.

Ferreira, Daniela Silva, et al. 2021. "Saúde mental de imigrantes em situação de vulnerabilidade no Brasil: desafios e possibilidades de cuidado." *Interface – Comunicação, Saúde, Educação* 25.

Ipea – Instituto de Pesquisa Econômica Aplicada. 2021. *Perfil sociodemográfico das mulheres imigrantes no Brasil*.

Mahler, Sarah J., and Patricia R. Pessar. 2006. "Gender Matters: Ethnographers Bring Gender from the Periphery toward the Core of Migration Studies." *International Migration Review* 40 (1): 27–63.

Lima, Manuella Rodrigues de Almeida, Marta Rovery de Souza, and Fernanda Costa Nunes. 2020. "Repercussões dos determinantes sociais na saúde mental das migrantes haitianas em Goiás." *Revista do NUFEN* 12 (3): 53–70. http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S2175-25912020000100002. Accessed June 8, 2025.

ONU – Organização das Nações Unidas. 1951. *Convenção Relativa ao Estatuto dos Refugiados*.

ONU – Organização das Nações Unidas. 1967**.** *Protocolo Relativo ao Estatuto dos Refugiados*.

ONU – Organização das Nações Unidas. 2018. *Pacto Global para Migração Segura, Ordenada e Regular.*

OMS – Organização Mundial da Saúde. 2020. *Relatório sobre saúde mental de migrantes e refugiados*.

OPAS – Organização Pan-Americana da Saúde; SJMR – Serviço Jesuíta a Migrantes e Refugiados. 2020. *Cartilha sobre Saúde Mental e Migração*.

Piper, Nicola. 2005. *Gender and Migration*. Policy Analysis and Research Programme of the Global Commission on International Migration.

Rachédi, Lilyane, and Gegault Legault. 2019. "Culturas e identidades em movimento: migrantes em contextos multiculturais." In *Saúde mental de imigrantes e refugiados: práticas e políticas de acolhimento*, edited by L. Rachédi and G. Legault. Hucitec.

Sawaia, Bader Burihan. 1999. *As artimanhas da exclusão: análise psicossocial e ética da desigualdade social*. Vozes.

Rosa, Marcela Possato Corres da, Gisele Cristina Marfrini, Janaína Medeiros de Souza, Ana Cristina Oliveira da Silva Hoffmann, Rosane Gonçalves Nitschke, Teresinha Schülter Buss Heidemann, and Jaime Alonso Caravaca-Morera. 2023. "Redes de apoio social e fase do ciclo vital de famílias imigrantes venezuelanas." *Revista Brasileira de Enfermagem* 79 (Suppl 2). https://doi.org/10.1590/0034-7167-2022-0790pt. Accessed May 25, 202.

SJMR – Serviço Jesuíta a Migrantes e Refugiados. 2025. *Atuação nacional e projetos de acolhimento*. https://sjmrbrasil.org. Accessed June 1, 2025.

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